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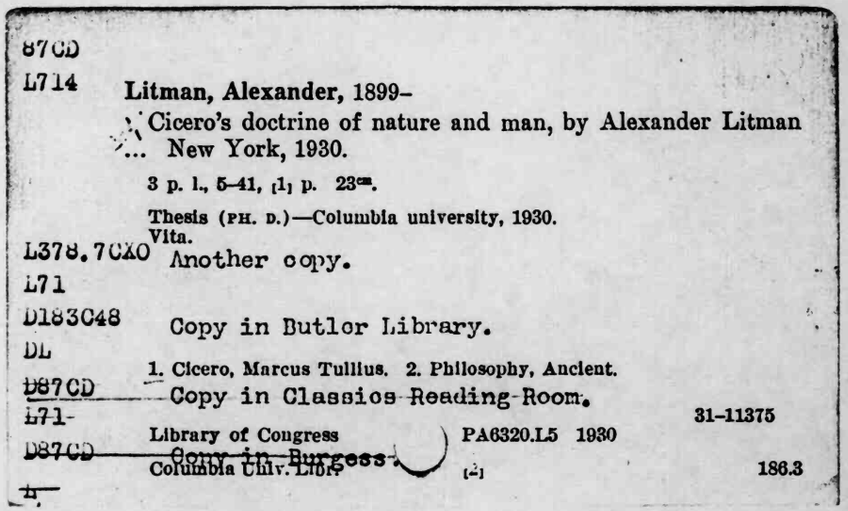

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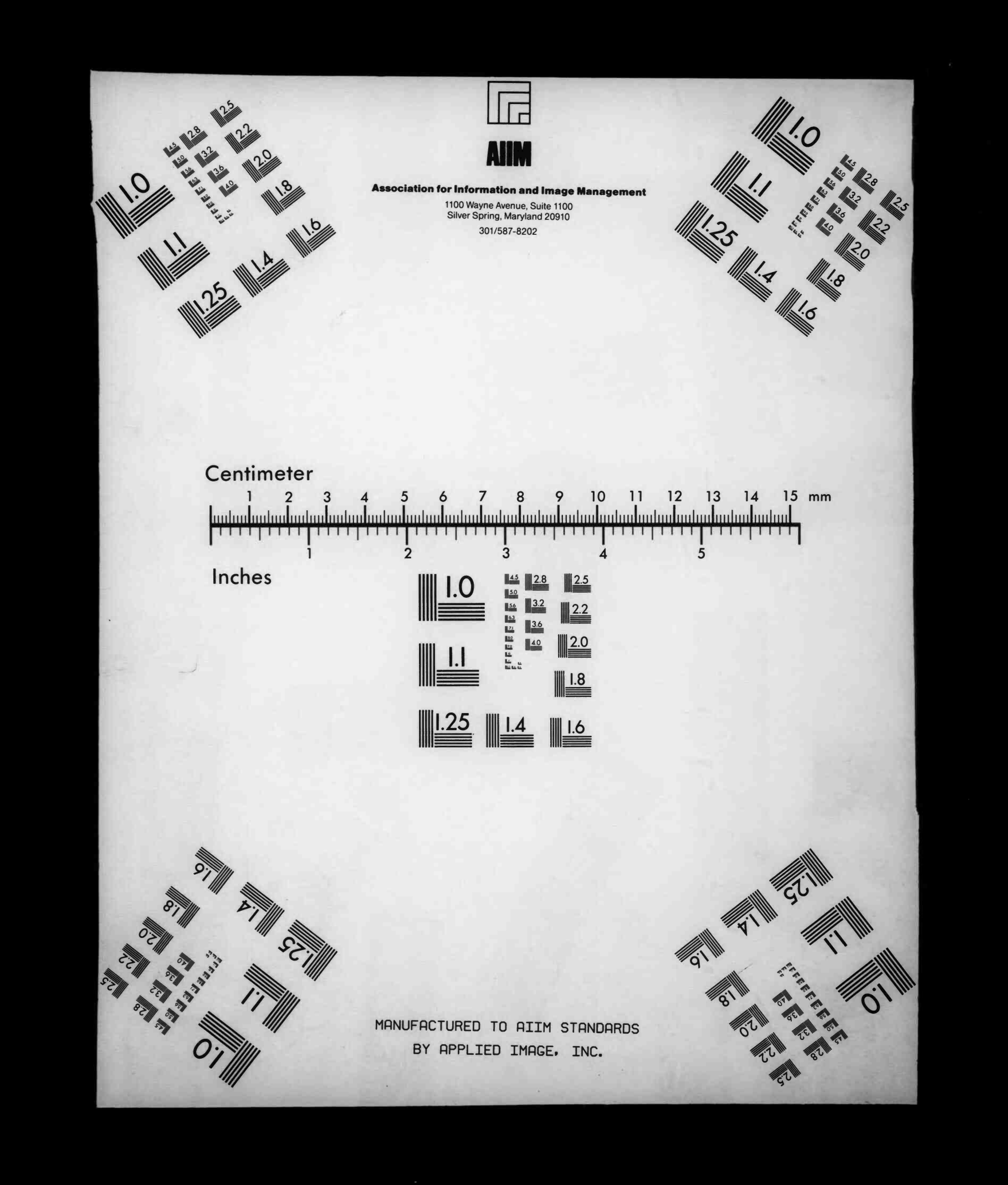
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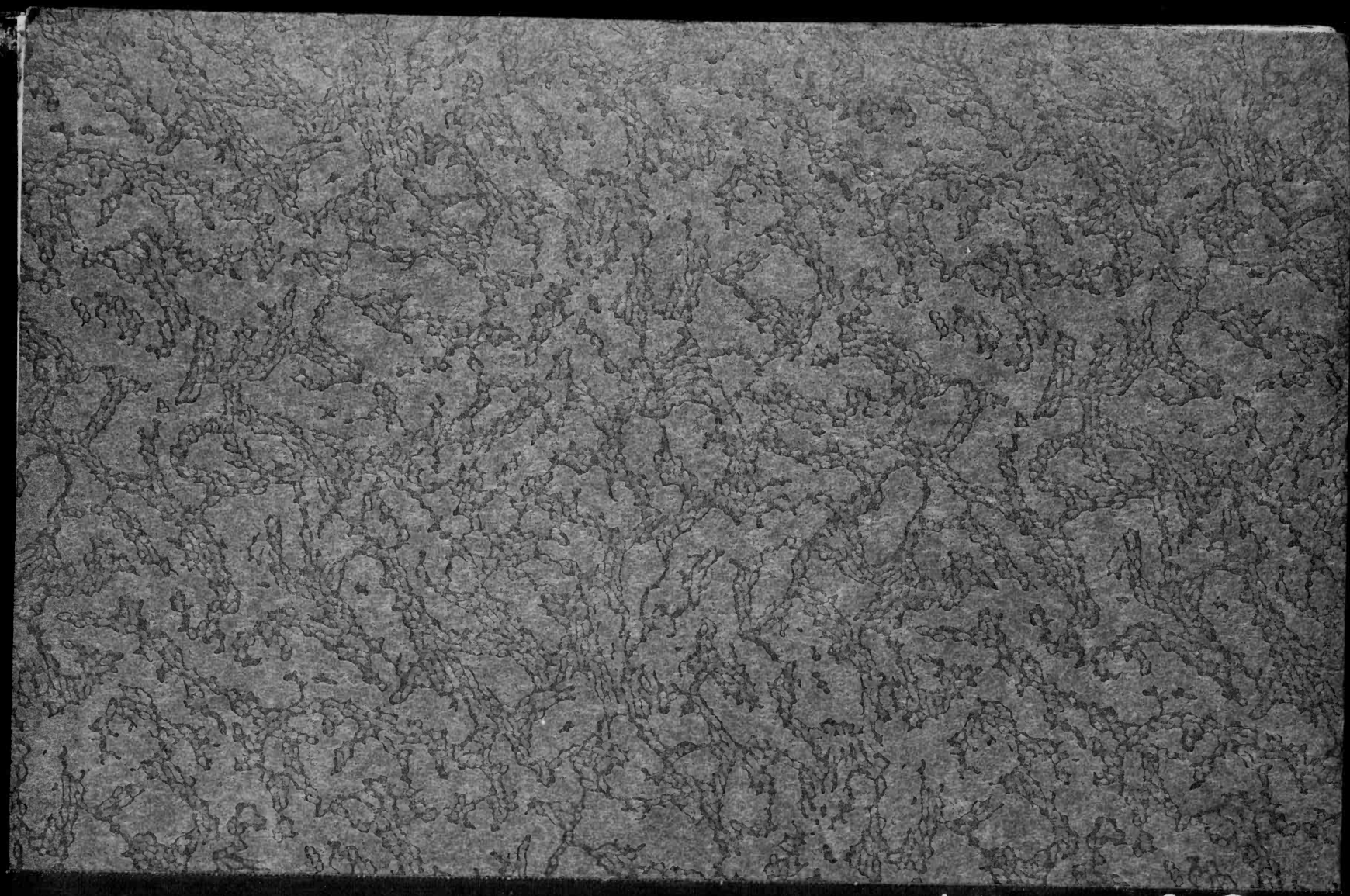

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CICERO'S DOCTRINE OF NATURE AND MAN

By

ALEXANDER LITMAN

Submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, in the Faculty of Philosophy, at Columbia University

NEW YORK
1930

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TO THE MEMORIES OF

NATHAN JACOB

AND

JOSEPH

MY LITTLE PALS AND NEPHEWS

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PREFACE

This research was carried on under the direction of Prof. F. J. E. Woodbridge, who suggested the topic and supervised the work in all its stages. If I thought that it represented all that I have learned from him in the course of four years of graduate study at Columbia University, I should consider him a bad teacher and myself a wretched student. His influence is not to be measured in terms of any single accomplishment of his pupils.

To Prof. John Herman Randall, Jr., I owe a great debt of gratitude. His constant encouragement and friendly advice have been sources of unfailing inspiration to me. To Prof. Norman Wilde, from whom, among other things, I learned the superiority of content to form, I express deep appreciation.

To Dr. John Storck, who has made this study possible, and whose constant friendship has been my support in times of need, I owe a debt that words cannot express. To Miss Rita Helen Kassel I am also indebted, not only for actual help in the preparation of this essay, but more importantly for those indispensable assistances that only sympathy and understanding can offer.

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INTRODUCTION

Cicero was essentially a practical politician and a literary man. As a politician he belonged to the party which glorified the res publica as the embodiment of the social aspect of man's being and exalted the harmony of orders as the greatest achievement of the political life of Rome. From the day when he ascended the first step of the political ladder, the cursus honorum, when he began his political career as a quaestor, to the time when he felt that his adversaries had substituted personal ambition for the res publica, his strength and powers, his heart and soul, were dedicated to the enhancement and furtherance of the life of Rome. To him the res publica meant quite literally the public thing, the common property of all Romans. It consisted of hearths and altars, of the public treasury, the roads, and other such things. Its existence implied its governance by all orders of society from the patres to the plebs. The greatness of this res publica and its superiority over all other types of social organization lay in the fact that it was founded by many men. It was established not in one period of time, but many centuries were necessary to complete the process of founding. Thus for Cicero the public thing, Rome, expressed the final truth of the political activities of the Romans. Because of this conviction, the republic, the distinct creation of the Roman genius, served Cicero as the point of departure for the consideration of right and wrong, good and bad. The res Romana was for him the orienting norm for his views of the world, gods and men. Questions pertaining to the brotherhood of man, friendship and moral goodness were all controlled by his supreme love for the republic. And as the prophet of Israel was unable to sing the song of the Lord on foreign soil, so Cicero without the res populi to serve him as a model was at a loss to judge and declare his verdict on problems that confronted him. "For," he writes to Atticus, "if the res publica were still intact, I should know what to do both in the way of severity and in the way of kindness."[1]

Even when Cicero was actively engaged in promoting the life of Rome he was also pining for leisure to write. The letters to Atticus bear testimony to the fact that even when devoting his entire time to politics he was collecting books in the hope that he soon might have the leisure to write and philosophize. His craving to write was as great as that of Lucretius to philosophize or that of Amos to prophesy. But between the literary yearnings of Cicero and the philosophic bent of mind of Lucretius there is a profound difference. The poet philosopher was helpless in checking his yearning. He could not help spending long nights in eager search of word and song to

[1] ad Att. X.4. Nam, si haberemus rem publicam, consilium mihi non deesset nec ad severitatem nec ad indulgentiam.

give it expression. He could not smother his powerful zeal for philosophy. No circumstances or conditions, no obstacles or difficulties, could stop his marvelous love and endeavor to free the mind from terror. Nor could Amos help himself; at Jehovah's call he was led to forsake the sycamore trees and his herds. He was neither a prophet nor the son of a prophet. Prophecy was not his profession. But the Lord took me, cried the shepherd of Tekoa. Cicero's literary proclivities, on the other hand, were held in check by his devotion to the res Romana. True, his love of all kinds of literature was boundless and he managed to write his Republic even while "holding the rudder of the res publica."[2] But the republic was dearer to him than his literary work. It was not until factions assumed governmental power at the expense of the people that he found himself free to pursue his literary aims. The opportunity for unhampered writing was afforded him through two occurrences which completely transformed his previous mode of living. The first of these was Cicero's realization that personal ambition was substituted for the res publica. "Seeing," says Plutarch, "that the commonwealth was hurrying into factions, and from factions into unlimited monarchy, he betook himself to a retired and contemplative life."[3] Caesar's dictatorship marked the cessation of Cicero's political life and thus provided the long sought for leisure to write and philosophize. But the final break with his political life and his total separation from anything that smacked of sociability was caused by the death of his only daughter Tullia. "I am dead and done for, Atticus, and have been this long while: but now I confess it, when I have lost the one link that bound me to life."[4] His grief was inconsolable. Only in solitude could he find relief. This solitude gave him the opportunity to write and philosophize.

His literary ambition was threefold. First, he looked to writing and philosophizing as a means of lightening his grief and assuaging his sorrows. He found consolation, not in justifying the ways of God to man, but in writing. "You exhort me," he writes to Atticus, "and you say others want me to hide the depth of my grief. Can I do so better than by spending all my days in writing?"[5] After his daughter's death he looked to philosophy for relief in his sore affliction. In it he saw a substitute for the loss of what was dear and near to him.

Secondly, he was desirous of winning fame by contributing, in emulation of the Greeks, to Latin literature and especially to oratory. For while the Marius shows that he was interested in poetry, he did not develop his poetic abilities to any great extent. His temperament was too austere, too formal and re-

[2] de Div. I.I,3. Sex de re publica, quos tum scripsimus cum gubernacula rei publicae tenebamus.

[3] Plutarch, Lives, Cicero.

[4] ad Att. XII.23. Occidimus, occidimus Attice, iam pridem nos quidem, sed nunc fatemus, posteaquam unum, quo tenebamur, amisimus.

[5] op. cit. XII.20.

strained to foster in him the poetic imagination of a Homer, a Pindar or a Theocritus. Also his political activities necessitated complete devotion to oratory. Nor was his delight in oratory exceptional. A temperament like that of the Romans, always described in terms of gravitas, dignitas and severitas, would, by its very make-up, lend itself more to oratory than to poetry. This fact Cicero states not without pride. "At a late date then were the poets either known or welcomed by our countrymen. . . On the other hand we speedily welcomed the orator."[6] With the realization that oratory was most sympathetic to the severe and dignified character of the politically minded Roman, it is not surprising that his literary ambition was that of contributing to Latin oratory.

Thirdly, Cicero was desirous of being counted among philosophers as one who had pointed out the best way of achieving the summum bonum. As a Roman he loved fame and glory. Such fame he achieved by guarding and caring for the res publica. This fame vanished when personal aggrandizement was substituted for the res Romana, and he was therefore bent on achieving fame in a different but not completely alien field. It was his ambition to be called a Socratic, not through his direct discussion with the citizens of Rome after the manner of Socrates in Athens, but by writing on topics that were objects of interest to Socrates. By pointing out the way to the highest good, by expounding to his countrymen the nature of the gods and their cognizance of human affairs, by showing to them the make-up of the mundus in which they lived, and finally by pointing out a set of rules or duties necessary to the attainment of the good life, he was convinced that he would acquire the name of philosopher. With this threefold ambition he betook himself, in his period of political inactivity, to literary writing and philosophizing.

The Romans took the material for their literary productions from Greek writings. With the exception of satire and the poetic epistle, their literary work was confined to the imitation of Greek works. Thus Cicero with a good deal of leisure at his command and a strong desire to write turned to Greek literature determined to emulate and, indeed, excel it. As a vir Romanus he would not admit the superiority of the Greeks in the field of literature. His pride would not permit him to receive, like a humble catechumen, the Greek intellect as revealed in their writings. He was not satisfied with the simple absorption of the marvelous intellectual insights of the Greeks. He was bent on excelling them. "It has always been my opinion," he says, "that our countrymen have, in some instances, made wiser discoveries than the Greeks, with reference to those subjects which they have considered worthy of devoting their attention to, and in others have improved upon their discoveries, so that in one way or another we surpass them on every point."[7]

[6] Tusc. Disp.I.II,3.III,5.

[7] op. cit. I.I,Cf. ad Att. XIV. 14.

When we ask how far he knew Greek literature at first hand we find it difficult to answer. But that he was acquainted with the general range of Greek literature is beyond doubt. This acquaintance came to him from two different sources. In the first place, his continual references to Greek literature and Greek philosophy show that he had a great many of their writings before him. From his quoting of Plato's Republic, Laws, Phaedo, and from his translations of the Protagoras and Timaeus, it appears that he was acquainted with these writings. So far as Aristotle is concerned it is impossible to conclude with certainty that he had any of the works of the Stagirite before him, although Aristotle is mentioned in various places and is greatly lauded by Cicero. But from the fact that none of the works of Aristotle is specifically mentioned by Cicero, either in his writings or in his letters to Atticus, it may safely be inferred that none of these works was in his hands and that his knowledge of Aristotle came to him from secondary sources. In the second place, through his association with those Greeks who as teachers and philosophers kept up the Greek tradition, he was familiar with the teachings and writings of the main schools of his time. Thus when Cicero finally settled down to add his name to the list of philosophers, he was acquainted with the general range of classic Greek philosophy and with those philosophic schools that had arisen after the death of Aristotle.

When his writings are compared with Greek literature and particularly with the philosophic literature, one finds that he neglected much of their content. The neglect in the matter of content may be explained in three ways. First, throbbing as he was with the love of writing, he was more concerned with elegance of style and beauty of expression than with the ideas he found in the Greek writings. His love of oratory forced him to choose ideas that evoked a torrent of rhetoric to the neglect of those that required precise logical analysis. For the purpose of clarifying his ideas he does not use analysis and fresh starts. He cites from Roman history and mythology, and whenever such references are inexpedient, he cites from Greek history and mythology. It is not too extravagant to say that his ideas are buried in the mass of oratory, history and mythology. Because of his emphasis upon writing as opposed to philosophy, he neglected much of the content of Greek thought and selected the topics that he could talk about at length. This point, indeed, Cicero candidly admits in the first book of his Republic. He chose to write on the public thing because a Roman could be very eloquent on such a topic.[8]

Secondly, about three hundred years separated Cicero from the time of Athenian greatness, and during these years much had happened. The purely theoretic interest in the contemplation of things, so vital and so important to Aristotle, was gone. In morals, to which philosophy was now confined, there

[8] de Rep. I.XXIII,37. Et Philus: Quamvis sit magna, tamen eam vinces, ut soles: neque enim est periculum, ne te de re publica disserentem deficiat oratio.

had developed sectarianism, with the obvious result of producing rigidity and one-sidedness. This one-sidedness implied exclusiveness and separation of ideas into rigid blocks. Thus Cicero was influenced by the development of a party system in philosophy which did much to sap the vitality of philosophic ideas.

Lastly, while philosophy for Cicero was nominally love of wisdom, actually it was for him an instrument of personal improvement (cultura animi). He did not study Greek philosophy to advance it, but rather to improve himself.[9] Nor is this Cicero's view only. In all parts of the world into which Greek literature penetrated it became the fashion of the day. One was "cultured" if one knew Greek. Books were written and translated into Greek to improve persons and not to clarify ideas. Viewed in the light of these limitations of Cicero's acquaintance with Greek philosophy it is not surprising that he neglected much of its content.

Not only did Cicero neglect much of the content of Greek philosophical writings but he also gave to the ideas which he selected a coloring of his own. Of this fact he was conscious. He always insists that he is not only following this or that school, but that he is adding his own judgment or fashion to these ideas.[10] It follows that he does not in strictness develop Greek philosophy in its own spirit. He transforms it and makes of it something very different, in spite of a superficial agreement in ideas and aims.

The clue to the transformation he wrought, it is here claimed, is to be found in his doctrines of Nature and Man. Greek philosophy had exalted nature (*φύσις*), and had made of it an object of intellectual interest or inquiry. Aristotle, for example, considered the inquiry into *φύσις* as the necessary prerequisite for a metaphysical understanding of the whole world. More than that, for Aristotle the science of *φύσις* was an exact science as opposed to ethics which was for him inexact. The starting point for his inquiries was the wonder produced by the workings of *φύσις*. In *φύσις* he saw a contrast not only to ethics but also to art. This tendency Cicero neglected and, to an extent, belittled. As opposed to the Epicureans and Stoics, Cicero saw nature so typified in man that instead of finding a sharp distinction between man and nature, he came to conceive nature as fundamentally arranged in man's interest and converted it into a moral and aesthetic mundus. The distinction which Aristotle and the subsequent schools made between the moral and the non-moral Cicero completely neglected, with the result that all existence was conceived in moral and aesthetic categories.

[9] de Off.I.I,1 ut ipse ad meam utilitatem semper cum Graecis Latina coniunxi. Cf. Tusc. Disp.I.V,13.

[10] de Off.I.II,6. Sequimur igitur, hoc quidem tempore et hac in quaestione, potissimum Stoicos, non ut interpretes; sed, ut solemus, e fontibus eorum judicio arbitrioque nostro, quantum quoque modo videbitur, hauriemus, idem III.VII,34.

THE MEANING OF NATURA

The study of Cicero's use of the term natura furnishes a clue for an understanding of his conception of the world. For literary purposes it is the equivalent of φύσις. But in addition to its use as the translation of a Greek word, the term was also a stock word in the Latin vocabulary. In Latin it is a colorless term fulfilling functions analogous to those performed in English by such a word as "thing." Just as in English "thing" acquires specific content almost entirely by contrast with other terms, as for example "thought," or through its place in a context, so in Latin natura acquires color when it translates φύσις or when it is specifically defined as having the content of world-order. Let us consider, then, the various uses of this term as they are to be found in Cicero.

As a term in his own vocabulary Cicero uses natura both in the singular and plural. The plural of the term means types of being such as earth, air, fire and water. It is used in this sense throughout de Natura Deorum,[11] de Fato,[12] and Academica,[13] although the plural of genus and membrum is also used instead of naturae.[14] If we confine ourselves to the types of being—earth, air, fire and water—we find common characteristics which do not carry us far. When we pass from the plural to the singular we find natura to mean any type of being. Thus God is a natura,[15] the soul is a natura,[16] a ship is a natura,[17] and the human penis is a natura.[18] So also is a woman's womb.[19] Here, too, as in the plural the term is almost colorless. When we ask why it is used instead of some other term, as for example, res, we find nothing that is significant unless we pass beyond its use to signify merely a type of being to other meanings of natura. It is only in settings where the term is exhibited by the context as a translation or adaptation of notions indigenous to Greek thought, or when the term is singled out to mean world-order, that it begins to possess a definite meaning.

[11] deN.D.I.VIII,22.XII,29.III.X,27.XII,33.XIII,35.XXII,58. XXXII,82.XXXIII,83.XXXIII, 84,XXXIII,86.XXXIX,10.LXII,144.

[12] de Fato IV.

[13] Acad. Post. XV,39.

[14] de N.D.I.XXIII,84. Et cum quattuor genera sint corporum. XXXVI,100.

[15] op.cit.II.XVII,46. Placet enim illi esse deos, quia necesse sit praestantem esse aliquam naturam, qua nihil sit melius.

[16] Cato M.78. Sic mihi persuasi, sic sentio, cum tanta celeritas animorum sit, tanta memoria praeteritorum futurorumque prudentia, tot artes, tantae scientiae, tot inventa, non posse eam naturam, quae res eas contineat, esse mortalem.

[17] deN.D.II.XXXV,89. Atqui ille apud Accium pastor, qui navem numquam ante vidisset . . .Dubitat primo, quae sit ea natura, quam cernit ignotam;

[18] op. cit.III.XXII,56. Mercurius unus Caelo patre, Die matre natus, cuius obscennius excitata natura traditur, quod aspectu Proserpinae commotus sit.

[19] de Div.II.LXX,145. Parere quaedam matrona cupiens, dubitans essetne praegnans, visa est in quiete obsignatam habere naturam.

One meaning which it acquires is that of the beginning of motion. One body, says Cicero, is distinguishable from another body because it moves upwards or downwards without the interference of an external cause. Thus it may be said of the atom, for example, that its motion is causeless, if we understand by this expression the absence of an external or extrinsic cause. The atom moves in the void because it has the beginning of its motion in itself.[20] The same is true of air. Its upward motion is due not to any external cause, but to its natura.[21] That for Cicero natura was the inner beginning of motion is obvious from his enumeration, in agreement with Aristotle, of the threefold manner of setting things in motion. Things, says Cicero, can be moved either by an external power, by their "natura" and by their yearning.[22]

The conception of natura as the internal beginning of motion of a body Cicero borrowed from Aristotle. It is a translation of Aristotle's φύσις. But as often happens in the passage of a term from one language to another, φύσις lost some of its original content and was distorted in the process. While Aristotle maintained that the φυσικὰ or things according to φύσις—animals and their parts, plants and simple bodies such as earth, air, fire and water—are distinguished from bodies that are not φυσικὰ by having the beginning of motion and rest in themselves,[23] for Cicero this clear-cut distinction does not exist. Instead of proceeding on the line of reasoning followed by Aristotle, Cicero calls every object a natura. Earth, air, fire and water are naturae, but a ship is also a natura. It is not difficult to see why man, soul or fire is a natura, but why Cicero calls a ship a natura is difficult to see. For Aristotle a ship or bed is a φυσικόν only by accident (κατὰσυμβεβηκὸς). Only in so far as a ship or bed is composed of simple bodies such as earth or stone can we say that it is a φυσικόν or has the beginning of motion in itself. For Cicero this distinction does not exist. The distinction between bodies that have the beginning of motion in themselves and those that have not, the distinction, that is to say, between nature and art which is so important in Aristotle, is not made by Cicero.

Although Cicero's use of the term natura obliterated the Aristotelian distinction between nature and art, it is important to note that a doctrine of art is to be found in Cicero's writings. However, from Cicero's definitions

[20] de Fato XI. De ipsa atomo dici potest, cum per inane moveatur gravitate et pondere sine causa moveri, quia nulla causa accedat extrinsecus. Rursus autem, ne omnibus a physicis irrideamur, si dicamus, quicquam fieri sine causa, distinguendum est, et ita dicendum, ipsius individui hanc esse naturam, cur ita feratur.

[21] de N.D.II.XLV,117. (aër) itaque et mari continuatus et junctus est et natura fertur ad caelum.

[22] op. cit.II.XVI,43. Nec vero Aristoteles non laudandus in eo, quod omnia, quae moventur, aut natura moveri censuit aut vi aut voluntate.

[23] Aristotle: Physics II.I.

of art and of science it is difficult to see wherein they differ. Both contain a rational element and are composed of more than one cognition.[24] It is true that Aristotle at times used the terms τέχνη and ἐπιστήμη interchangeably and that he defined art as a settled habit (ἕξις) working according to a true idea; but his treatment of art makes it obvious that he distinguished it clearly from science. Science deals with things that are necessary, art with those that could or could not exist.[25] Science deals with causes and principles, art with generation.[26] Again, while Aristotle opposed art to accident and the self-caused,[27] in the works of Cicero we find nothing to indicate this opposition. In fact none of the traits that especially distinguish art for Aristotle are treated of by Cicero. The purpose of art, Aristotle held, was the imitation of φύσις. Cicero does not discuss this matter; unless, indeed, we can infer that he disagreed with Aristotle from a single statement to the effect that no art can imitate the skill of nature.[28] On the other hand, Aristotle's insistence that art completes things according to φύσις in cases where their development was hemmed in, is taken over by Cicero in all its completeness.[29]

It is clear that Aristotle's concept of art as distinguished from φύσις came into Latin stripped of much of its original content. The main principle upon which Aristotle based his distinction, the principle that certain things have the beginning of motion and rest in themselves, while others have not, Cicero only partly understood. φύσις came into Latin as natura as a partial and elliptical expression of what Aristotle took as the most important characteristic of things.

Cicero also uses the term natura to signify the governing principle or order of the world. When I say, argues Cicero, that nature governs and administers the world, I do not mean by nature an external irrational power that causes necessary motions in bodies, or a rational power that designs ends from without, but rather an internal ordering principle.[30] For an illustration of this principle we must look to a tree or an animal and not to a clod or fragment of stone. In the tree or animal we clearly see that the ordering principle is internal. So also with nature as the governing principle of the world; it is idle to speak of it as an external power, just as it is idle to speak of the order that an animal typifies as external to it. Natura as the ordering principle of the world Cicero identifies with providence—with providence not in the sense of a singular deity that guides and controls the world, but a providence of the *gods*—[31] with mind,[32] wisdom,[33] forethought,[34] and other such expressions as power, reason and numen.[35]

Natura in the sense of order or governing principle of the world can be looked at only from the moral and aesthetic point of view. Nothing is more foolish, says Cicero, than to say that the natura as the governing principle is not the best.[36] Again, from the types of being which were present, natura as the ordering principle produced the best.[37] Finally, in speaking of the manner of producing things Cicero says that those which happen according to natura as the ordering principle are "better" than those that happen according to art.[38] This use of moral terms in connection with natura shows that Cicero regarded it as a moral principle. That Cicero looked at natura as an aesthetic principle is also clear from the manner in which he describes its working. All things, he says over and over again, are subjected to natura and are most beautifully manipulated by it.[39] Nowhere does Cicero speak of

[24] de Fin.III.V,18. Artes. . . . .constent ex cognitionibus et contineant quiddam in se ratione constitutum et via. Acad. II.VII,22. de Div.I.XIV,24. de N.D.II.LIX, 147. Acad.I.32 scientiam nusquam esse censebat nisi in animi notionibus atque rationibus, qua de causa definitiones rerum probabant; idem 41.

[25] Arist. Nic. Eth.VI.3-4.

[26] Anal. Post.19.100a8 τέχνης ἀρχὴ καὶ ἐπιστήμης, ἐὰν μὲν περὶ γένεσιν, τέχνης, ἐὰν δὲ περὶ τὸ ὄν, ἐπιστήμης.

[27] Met.I.1.981a5,VI.7.1032a13,VII.7.1049a4,XI.3.1070a7, Nic.Eth. VI.4.1140a19 et alia,

[28] de N.D.II.XXXII,81. cuius (naturae) sollertiam nulla ars, nulla manus, nemo opifex consequi possit imitando;

[29] de Fin.IV.VII,16. Ad hanc rem aiunt artes quoque requisitas quae naturam adiuvarent, V.XIV,39. ars argricolarum, quae circumcidat, amputet, erigat, extollat, adminiculet, ut quo natura ferat eo possint ire,

[30] de N.D.II.XXXII,82. Sed nos cum dicimus natura constare administrarique mundum, non ita dicimus, ut glaebam aut fragmentum lapidis aut aliquid ejus modi nulla cohaerendi natura, sed ut arborem, ut animal, in quibus nulla temeritas, sed ordo apparet et artis quaedam similitudo.

[31] op.cit.II.XXIX,73. Proximum est, ut doceam deorum providentia mundum administrari. . . XXX,74,75,76,77,XXXIV,87,XXXVIII,98,LI,127,LVI,140. Ad hanc providentiam naturae. . . III.XXV,65,XXXIX,92.

[32] de Leg.I.VII,21,II.XIII,32. de Rep. I.XXXVI,56. de Fin. IV.V,12. de N.D.II.LIII,132.

[33] de Leg.II.IV,8. quod universum mundum regeret imperandi prohibendique sapientia.

[34] de N.D.II.LIII,132. mente consilioque divino omnia in hoc mundo ad salutem omnium conservationemque admirabiliter administrari.

[35] de Leg.I.VII,21. deorum immortalium vi, natura, ratione, potestate, mente, numine, sive quod est aliud verbum, quo planius significem quod volo, naturam omnem regi?

[36] de N.D.II.XIII,36. Quid autem est inscitius quam eam naturam, quae omnes res sit complexa, non optimam dici,

[37] op. cit.II.XXXIV,86. Quodsi mundi partes natura administrantur, necesse est mundum ipsum natura administrari, cuius quidem administratio nihil habet in se, quod reprehendi possit; ex iis enim naturis, quae erant, quod effici optimum potuit, effectum est.

[38] op. cit.II.XXXIV,87. Si igitur meliora sunt ea, quae natura, quam illa, quae arte perfecta sunt, nec ars efficit quicquam sine ratione, ne natura quidem rationis expers est habenda.

[39] op. cit.II.XXX,75. Secunda est autem, quae docet omnes res subjectas esse naturae sentienti, ab eaque omnia pulcherrime geri; idem 76,XXXII,81.

natura merely in terms of ordering things, but rather of ordering them well or beautifully.

Natura as the moral and aesthetic ordering principle makes possible the life and growth of the different types of being, establishes their continuity, and enables them to pass from one type of being into another. A type of being, for example, a tree, while it is maintained through its roots by the earth, owes its life and vigor to the existence of the moral and aesthetic ordering principle; and in the same fashion the whole earth owes its power to produce to this natura.[40] All types of being, animate or inanimate, are maintained by this ordering principle. That types of being occupy a definite place, that some of them have the characteristic of passing from one into another, that some are characterized by upward motion and others by downward motion, is due to this same ordering natura. Because of the fact that the order of things is a moral order, things are considered at every point in moral terms rather than in terms of their respective functions. The purpose of a type of being is moral, and not, as Aristotle had it, an outcome of its make-up. Things may be spoken of as better or worse and not as working out their being. For Aristotle the purpose of the eye is vision, while for Cicero the purpose of the eye is the realization of the moral purpose of man. The eye is there so that man may be capable of fulfilling his moral purpose. Purposes are moral for Cicero because the whole order is a moral order. Because natura is a moral and aesthetic principle all types of being must be viewed in moral and aesthetic categories.

The existence of this ordering power makes possible the mundus, that is to say, the world as a thing of beauty. That the mundus is the outcome of natura as the ordering principle is apparent first, from the existence of the gods, and secondly, from Cicero's criticism of the atomists and of Epicurus. That the gods exist is assumed by Cicero on the basis of universal assent. The idea of their existence is an innate idea. For while there may be differences of opinion as to what types of being the gods are, still no one, says Cicero, will deny that they exist.[41] Again, since the gods exist it is impossible that they should be idle. For why, Cicero argues, should men render them prayers, honor and worship if they are idle and have no concern with earthly affairs? The idea of a god who has no active concern with the world is to Cicero as destructive of piety as it is morally unintelligible. The life of the gods is not contemplation but activity. And what better activity is there for the gods, says Cicero, than to administer the world? That republics and cities should be administered and not the mundus Cicero could never admit.

[40] op. cit.II.XXXIII,83. Quodsi ea, quae a terra stirpibus continentur, arte naturae vivunt et vigent, profecto ipsa terra eadem vi continetur (arte naturae),

[41] op. cit.II.IV,12. Itaque inter omnes omnium gentium summa constat; omnibus enim innatum est et in animo quasi insculptum esse deos. V. Quales sint, varium est; esse nemo negat.

The idea of administration was too deeply rooted in the Roman mind to allow them to exempt the gods from its responsibilities and burdens. Thus for Cicero the existence of the gods implies the governance of the world by their natura or providence.[42]

Secondly, from Cicero's criticism of Leucippus, Democritus and Epicurus it is evident that the mundus is the outcome of natura as the ordering principle. The assertion, says Cicero, that the sky and earth were formed through the accidental concourse of a number of particles, without the intermediation of any organizing principle, is monstrous.[43] To say that the ornament and beauty of the mundus is a result of the accidental concurrence of atoms in the void is as ridiculous as to maintain that a countless number of the forms of the twenty-one letters, whether in gold or any other material, if thrown together somewhere would produce the annals of Ennius.[44] Why do not those who maintain that the blind swerve of the atoms in the void produced the ornament of the mundus, Cicero proceeds ironically, also maintain that this concourse of atoms produced a portico or a temple or a house or a city—things which are far less elaborate than the mundus?[45] Only those who have never gazed upon the sky can talk such nonsense (Certe ita temere de mundo effutiunt). A little consideration will convince anyone that the mundus is not the result of an haphazard gathering of atoms, but that an efficient principle was necessary. The fault common to Democritus and Epicurus was that they assumed only one principle of explanation, the material one, forgetting that this principle alone is insufficient to explain the ornament and beauty of the world.[46]

Cicero's criticism of the doctrine of Democritus and Epicurus is so thorough that one is tempted to consider it a translation of the Aristotelian criticism of the material cause of the Ionian physicists. The same criticism that Aristotle uses in showing the insufficiency of the material cause as a single principle of explanation is used by Cicero. "For surely," says Aristotle, "it is not likely either that fire or earth or any such element should be the reason why things manifest goodness and beauty both in their being and in their

[42] op. cit.II.XXX,75. quarum prima pars est, quae ducitur ab ea ratione, quae docet esse deos; quo concesso confitendum est eorum consilio mundum administrari.

[43] op. cit.I.XXIV,66. Ista enim flagitia Democriti, sive etiam ante Leucippi, esse corpuscula quaedam levia, alia aspera, rotunda alia partim autem angulata et pyramidata, hamata quaedam et quasi adunca, ex his effectum esse caelum atque terram nulla cogente natura, sed concursu quodam fortuito; idem 67,XXXVI,100.

[44] op. cit.II.XXXVII,93-94.

[45] op. cit.II.XXXVII,94. Quodsi mundum efficere potest concursus atomorum, cur porticum, cur templum, cur domum, cur urbem non potest? quae sunt minus operosa et multo quidem (faciliora).

[46] de Fin.I.VI,18. Quamquam utriusque cum multa non probo, tum illud in primis, quod, cum in rerum natura duo quaerenda sint, unum quae materia sit ex qua quaeque res efficiatur, alterum quae vis sit quae quidque efficiat, de materia diseruerunt, vim at causam efficiendi reliquerunt. Acad.I.VI,24.

coming to be."[47] "The blind concourse," says Cicero, "could not produce the ornament of the mundus."

But the fact that the mundus is the outcome of natura as the ordering principle is also clear from Cicero's identification of the mundus with natura in this sense. Thus in speaking of natura in the sense of ordering principle as embracing all things, Cicero uses the terms natura and mundus interchangeably.[48] If there is a mundus, there must be a natura that governs and administers all types of being. If there is a natura then there surely must be a mundus. Had Cicero not shown from the existence of the gods that everything must be governed by an ordering principle, and had he not brought out the fact of the existence of an efficient cause through his criticism of the physics of the atomists, it would still be clear from his identification of natura as order with mundus that they are synonymous terms.

It now remains to be shown that Cicero uses the term mundus advisedly. Mundus is used in contrast to "rerum natura"[49] and "orbis terrarum."[50] It is not used in the sense of order. Cicero uses the word "ordo" for order, as when he speaks of the order of the stars[51] or the order of the heavenly bodies.[52] What then does mundus mean? If it is not the sum total of all types of being or the organized totality of things, or order, what is its meaning? To answer this question we must see the categories in terms of which Cicero considers the mundus.

First, then, the mundus is described in moral terms. Thus Cicero speaks of the mundus as "better" than any other type of being.[53] But that the mundus is a moral type of being is also clear from Cicero's polemic against fate. His chief objection against fate is on moral grounds. If there is fate, Cicero argues, if everything is subjected to an eternal nexus of cause and effect, then surely morality is impossible. Moral actions require a free will. Therefore as moral actions require free will, the mundus is such that morality and

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[47] Arist:Met.X.984b11.

[48] de N.D.II.XI,30.XIII,36. naturam eam, quae res omnes complexa teneat.—and—II.XIV, 38.XXII,57. mundus omnia complexus est.

[49] Lae.VII,24. quae in rerum natura totoque mundo
de Fato XII non inclusae in rerum natura atque mundo.
For other expressions of rerum natura see de N.D.I.XXXII,90. de Div.I.LI,11,5. LVII,131.II,XII,29.XIV,33,34.XV,35. de Fin.I.VI,18.XIX,63,64.II.V,16.V.XVI,44. de Leg.I.VII,23.XVI,44.11,VII,16. de Off.I.XLIII,154.

[50] de Rep.III.XIV,24.XV,24. de Off.II.VIII,27.

[51] de N.D.II.XVI,43. Ordo autem siderum.

[52] op. cit.II.XXI,56. Caelestium ergo admirabilem ordinem
de Div.II.LXXII,148. ordoque rerum caelestium

[53] de N.D.II.VIII,21. nihil autem mundo melius
XII,32. quod certe est mundus melior quam ulla natura.
XVII,46. Mundo autem certe nihil est melius.
III.IX,21. nihil est mundo melius in rerum natura.

free will are possible. In other words the mundus is a moral being because man's morality requires it to be such. Cicero expresses this fact by his assertion that the mundus was made for the sake of man.

While the mundus is a moral thing, the emphasis and stress is laid upon its ornament and beauty. Whether it is in connection with his criticism of the physics of the atomists, whether in connection with the exposition of the doctrines of the Stoics and Academics, or whether we are considering the wonder that is produced in us by the consideration of all types of being, the expression "ornatus et pulchritudo" is always used with mundus.[54] But the fact that the mundus was looked upon chiefly as a thing of beauty, is brought out clearly in the third book of de Natura Deorum. Cotta, the critic of the views of the Stoics and the expositor of the skepticism of the Academy, although he throws overboard the Stoic doctrines of the rationality of the world, nevertheless concurs with them that the mundus is a thing of beauty. "Now, in what sense do you say there is nothing better than the world?" asks Cotta. "If you mean," he continues, "that there is nothing more beautiful, I agree with you."[55] In other words, one may throw aside the rationality of the mundus, one may reject its identity with God, one may ridicule the idea of the mundus as fire, but no one can reject the fact that the mundus is a thing of ornament and beauty. It is clear therefore that while the mundus throbs with morality, the outstanding thing about it is that it overflows with beauty.

The shift of emphasis that occurred with the passage of the term κόσμος into the Latin mundus is striking. In the Iliad and Odyssey where the term κόσμος first occurs, it signifies two things. In the first place, it stands for order, and is always used with respect to military arrangements. Whether it is in connection with holding the horses in order, or in speaking of the Greeks as coming back in disarray, or of battlegears as arranged in order—the term κόσμος is used to signify that order.[56] Secondly, the term is used to signify ornament, adornment and decorum. The ornament of a horse is κόσμος,[57] that of a woman is κόσμος,[58] and to speak with decorum is κόσμος.[59] In the melic poetry of Pindar also, κόσμος signifies adornment or decorum.[60] Aeschylus and Euripides, exponents of the more philosophic type of literature, the

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[54] op. cit.II.XXXVII,93.XXII,58.XXXVIII,98.LI,127.III.VII,18.VIII,21.IX,23.
de Div.II.LXXII,148.
de Fin.I.VI,20.

[55] de N.D.III.VIII,21.

[56] Il.X,472.XI,48.XII,85,225.XXIV,622.XVII,205.
Od.VIII,492.

[57] Il.IV,145.

[58] Il.XIV,187.

[59] Od.VIII,489.XIV,363.XX,181.

[60] Ol.3.24,8.109,11.13. Ist.6.101. Ne.2.12,3.54. Py.2.19,3.148.

tragedy, also use the term to signify order.[61] In a fragment of Euripides, especially, do we find the term κόσμος in this more general sense of order. The object of investigation, says Euripides, is first "what is the ordering of immortal ageless φύσις," and secondly, "how it arose."[62] Aristophanes again uses the term in the same sense,[63] as also Herodotus and Thucydides.[64] We may therefore summarize these passages and conclude that in the whole Greek literature from Homer to Thucydides the term κόσμος meant ornament and order. But while the term meant ornament no less than order, still, as the passages indicate, the emphasis and preponderance of usage fell upon the meaning of order.

In a fragment of Heraclitus the term κόσμος seems to be used in the more specific sense of world-order. This κόσμος says the obscure Ephesian, was made neither by a god nor by a man but always was, is and will be.[65]

This enigmatic statement of Heraclitus has been interpreted in various ways. There have been some who have understood by the Heraclitean κόσμος the objective totality of things, while others, pressing the words τὸν αὐτὸν ἁπάντων have understood Heraclitus to declare himself for one world in opposition to the many worlds of the atomists.[66] But these interpretations do not seem to state the meaning of the saying. On the basis of the use of the term κόσμος in the pre-Heraclitean literature, that is its use as order, it seems proper to agree with Alexander Aphrodisias, and Bernays after him, that by κόσμος in this saying Heraclitus meant the order of the world or, as Alexander calls it, διάταξις. It thus appears that Heraclitus was the first to use the term κόσμος to signify the order of the world.

In the philosophical writings of Plato and Aristotle, we also find the term κόσμος first, in the sense of ornament or decorum and secondly, in the sense of order. κόσμος as ornament is used by Plato in the same sense as it was used in all the preceding literature.[67] With respect to κόσμος as order Plato uses the term to signify first, the ordered constitution of a polity, secondly, any type of order, and finally κόσμος in the sense of order of the world. κόσμος in the sense of the ordered constitution of a polity is used by Plato six times,[68]

[61] Aesch: Ag.521, Pers. 400.

[62] Eur.fr.inc.910 ἀλλ' ἀθανάτου καθορῶν φύσεως
κόσμον ἀγήρω, τίς τε συνέστη
καὶ ὅπῃ καὶ ὅπως.
See Burnett J.; Early Greek Philosophy, Introd. Pp. 10, note 3.

[63] Aristophanes:Aves.1330-31.

[64] Herodotus 2.52,3.13,7.36,8.60,67,9.66.
Thuc.3.77,108.

[65] Diels: Fragmente der Vorsokratiker, 12. Herakleitos 30.(20)—105p.711 (Plut.d.anim. 5p.1014a).

[66] Diog.L.9,8.

[67] Lys.205.E, Pol.II.373.C.IV.430E. Polit. 288C. Phaed.114D. Conv. 197E. Phil.66C. Legg. VI.761D.VII.800E. Alc. I.123C. Menex. 236D.

[68] Prot.322C. Legg.V,736E.VI,751A.769D.VIII,846D.X.898B.

as any type of order eight times,[69] and as world-order sixteen times.[70] Aristotle uses κόσμος in the same senses. As ornament the term is used eleven times,[71] as the ordered constitution of a polity eleven times,[72] and as the world-order thirty-one times.[73]

It is obvious from these citations that while κόσμος also meant ornament or decorum, the primary use of it was as order. It very frequently occurs together with τάξις and this shows that the term κόσμος stood for order. With the passage of κόσμος into the Latin mundus there occurred a shift of emphasis. While for the Greeks, especially for Plato and Aristotle, κόσμος meant the world-order or the system of the world, and was to be considered in terms of intelligibility only, beauty being the outcome of the intelligible order, the mundus for Cicero was a thing of beauty, something, as was shown, that can only be considered in moral and aesthetic categories. For Plato and Aristotle the primary thing was order, and beauty was the consequence of it, while for Cicero the primary thing was morality and beauty, with order as a consequence. For Plato and Aristotle it was the beauty of order, for Cicero it was the order of beauty. Such was the shift of emphasis that occurred with the passage of κόσμος into the Latin mundus.

The question presses itself upon us: What caused this shift of emphasis? Why was it that Cicero, although regarding order as primary in the field of politics, nevertheless regarded the order of the world not as primary but rather as a consequence of its moral and aesthetic character? The answer to this question lies in the problem of knowledge. If theoretical knowledge of the world is beyond man's ken, if the only object of philosophy is ethics, the consideration of the world as an intelligible order, after the manner of Plato and Aristotle, becomes impossible. And (as will be shown later), since an insight into the mundus is necessary for the self-knowledge which is indispensable to living well, it becomes all but necessary to consider the world in moral and aesthetic categories. To have dealt with it in terms of ordered intelligibility would have created an unbridgeable gap in Cicero's thought between man and the mundus in which he must realize his moral capacities. Because only moral knowledge is possible everything that is known must be known in moral and aesthetic terms. We are thus ultimately driven to man as a natura for a clue to the understanding of nature at large.

[69] Pol.VI.500C. Conv.223B. Gorg.504A.506E. Legg.VI,759A.764B.

[70] Polit.273B. Phaed.246C. Phil.28E,29E,59A,64B. Gorg.507E,523E. Tim.27A,29A,29E,30B, 32C.

[71] Nic.Eth.IV.6,1123a7,7,1124aI, Eud.Eth.V.6,1233a34. Poet.21.1457b2,1458a33,1459a14. Ret. III.7, 1408a14.

[72] Pol.II. 10.1272a6.10,12.28,34,41,b4, V.7. 1307b4,VI. 8.1321b7. de Mundo 6.399b18.

[73] Pol.VII 3,1325b29. Nic.Eth.VI 7.1141a20,1141b1. Phys. III 6.206b23. VIII 2.252b26. De Caelo 16.274a27,10.10.280a21.II4.287b15.II 14.269a33 III2.301a10. Met.13.984b16.X 6.1063a. de Mundo.II 391b9,10.VI 398b22. Meteo.12.339a20,3.339b3.17,340b12.7.344a9. 8.346b11,II 8.355a23. de Gen.II 6.334a6. f.16.Schol. in Proverbia Salomonis (cod. Paris. gr.174) f.46a fr.17.1477a10.

THE DOCTRINE OF MAN

The bulk of Cicero's philosophical works is concerned with man, and other types of being are brought in for purposes of illustration only. What, then, for Cicero, is man? This natura, Cicero tells us, is body as well as mind; yet, although the human body is the most beautiful of all bodies and its parts are more adapted to the environment than those of any other type of being, animate or inanimate,[74] the decided superiority of the natura as man over all other types of being and its marvelous excellency is due to the fact that in addition to body it is also mind. Indeed, all other naturae, the mundus included, were made for the sake of this natura endowed with a mind. "But it will be asked," says Cicero, "for whose sake so vast a work was carried out. Was it for the sake of trees and herbs which though without sensation are nevertheless sustained by nature as the governing principle? But this at any rate is absurd. Was it for the sake of animals? It is equally improbable that the gods went to such pains for beings that are dumb and without intelligence. For whose sake, then, would one say that the mundus was formed? For the sake, undoubtedly, of those animated beings that exercise reason (quae ratione utuntur)."[75] Cicero impresses upon us the glory of this type of being first, by his assertion of the community of the gods and men,[76] secondly, by his continual repetition of the fact that we were born for great things[77] (e. g. justice[78] and the love of knowledge and wisdom[79]) and finally by his affirmation that the animal called man was given a distinguished status by the supreme God.[80] Thus for Cicero man as a type of being is the acme of perfection.

From the natura of man there flow certain corollaries, of which one is universal sociability or sociability of the human race as a whole. This sociability, says Cicero, is the outcome of what we are, a concomitant of our

[74] de Fin.V.XII,34. Deinde id quoque videmus et ita figuratum corpus ut excellat aliis. de N.D.II.LIV, et seq.

[75] de N.D.II.LIII,133. idem LI,25. Ita fit credibile deorum et hominum causa factum esse mundum quaeque in eo (mundo) sint omnia. de Leg.I.IX,27. nunc, quoniam hominem, quod principium reliquarum rerum esse voluit, generavit et ornavit deus.

[76] de Leg.I.VII,23. una civitas communis deorum atque hominum existimanda. idem VIII,24. de Rep.I.XIII,19.

[77] de Fin.I.VII,23. Ad maiora enim quaedam nos natura genuit et conformavit, ut mihi quidem videtur, idem II.XXXIV,113. Ad altiora quaedam et magnificentiora, mihi crede, Torquate, nati sumus. II.XIII,41.XXXI,99.V.VIII,21.XV,41. de Off.I.XXIX, 103. Note the equivalence of nos natura genuit with nos ita natos esse.

[78] de Fin.III.XXI,70. tamen hi quoque posteriores fatentur alienum esse a iustitia, ad quam nati sumus videamur. idem IV.VII,18. de Off.I.XXIX,103. de Leg.I.X.28.

[79] de Fin.IV.II,4. habere etiam insitam quandam vel potius innatam cupiditatem scientiae, idem IV.VII,18.V.XVIII,48. de Leg.I.V,16.

[80] de Leg.I.VII,22. praeclara quadam condicione generatum esse a supremo deo;

being. We were born that way.[81] It is reason and language which make this sociability possible.[82] Because of the existence of this common tie between all the members of the human race, we must not only love every human being, but we must undergo the greatest toils and troubles for the sake of helping others.[83] The failure to promote this universal sociability is a violation of our being (repugnante et adversante natura).

The res publica is another corollary of man's make-up. The origin of the res publica lies in the make-up of man rather than in his weakness or incompleteness. It is not based upon an artificial or conventional compact but it is an outcome of the natura of man.[84] The res publica is no haphazard coming together of a number of people. It is rather an assemblage of human beings associated in an agreement with respect to justice and a partnership for the common good[85] and common safety.[86] Thus the res publica exists because the make-up of man makes its existence possible and implies it.

In order to understand clearly what Cicero meant by the expression "res publica," it is necessary to translate that phrase quite literally. The res publica is the public thing or the property of the people. It is not identical with a form of government or a constitution, though the form of government may indicate a res publica. The hearth and altar serve as an illustration of what the republic is.[87] Things like hearths and altars when put together give us the republic. But this is not enough. There may be altars, hearths, roads and treasuries, but if they are administered by a single person they will never make a republic. Only when the city is ruled by a mixed government composed of all the people can it be said to be a res populi in the proper sense of the term. Cicero never ceases to lament the fact that Caesar by his assumption of dictatorial power destroyed the res publica. Modern historians also

[81] Lae.V,19. ita natos esse nos, ut inter omnis esset societas quaedam, de Off.I.IV,12. XVI,50.XLIV,157.II.XXI,72.III.XII,62. de Fin.III.XIX,63.XX,66.IV.II,4.

[82] de Off.I.XVI,50. Eius autem vinculum est ratio et oratio,

[83] op. cit.III.V,25. Itemque magis est secundum naturam pro omnibus gentibus, si fieri possit, conservandis aut iuvandis maximos labores molestiasque suscipere. . . idem XII,52. "Quid ais? tu cum hominibus consulere debeas et servire humanae societati eaque lege natus sis et ea habeas principia naturae, quibus parere et quae sequi debeas. . ." Again I wish to draw attention to the language used in these two places. It is clear that the expression secundum naturam is identical with natus sis.

[84] de Rep.I.XXV,39. eius autem prima causa coëundi est non tam inbecillitas quam naturalis quaedam hominum quasi congregatio; compare this "naturalis quaedam congregatio" with Lae.V,19, ita nos natos esse ut inter omnis esset societas quaedam. It is clear that naturalis means that which is the outcome of man's make-up.

[85] de Rep. I.XXV,39. Est igitur, inquit Africanus, res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus.

[86] de Off.II.XXI,73. Nam etsi duce natura congrebantur homines tamen spe custodiae rerum suarum urbium praesidia quaerebant.

[87] ad Att.VII.11. "Non est," inquit, "in parietibus res publica." At in aris et focis.

realize this fact. Thus Rostovtzeff pointedly remarks, when he speaks of the dictatorship of Caesar: "To be the first man of Rome and to rule it, and yet not to destroy the very framework of the ancient constitution, was simply impossible."[88]

The essence of the republic, then, lay in the fact that it was governed by all the people. In this fact Cicero takes great pride. Other republics, says Cicero, have been established by one man, as for example, by Minos in Crete and by Lycurgus in Sparta. But our own republic was based upon the genius, not of one man, but of many. It was founded, not in one generation, but over several centuries and by many ages of men. It is for this reason that the republic of Rome, the res Romana, excels and is superior to all republics wherever found. Many minds working together over a long period of years are more apt to find the truth than one mind working alone. That truth is embodied in the res Romana. Cicero here illustrates in an important setting the Roman love of stability (clementia) and fear of change (res nova). What we really have here is a defense against all who would dare to improve or change the make-up of the public thing. No single man at any one time ought dare to change that which took so many centuries and so many men to build.

These facts, and the fact that Rome was founded inland where it was not exposed to the vicissitudes of a maritime location, account for the superiority of Rome over all republics and for the great love which Cicero had for the res Romana. Cicero never tires of singing the praises of this res populi. The republic was the dearest of all things to Cicero. It was the standard of the goodness or badness of men. For the sake of this Roman thing even fides could be broken, that fides which expresses the steadfast holding to the performance of what has been promised. But the paramount position which the res publica occupied is most clearly seen from his denial of divination on moral grounds and its acceptance on the ground of political expediency. Divination, insists Cicero, is destructive to morality. How could a man be moral if he knew through divination that his doom awaits him whether he be moral or not? But divination is expedient for the republic and therefore Cicero accepts it. Indeed, not only is the republic the standard of morality; it is also the point of departure in the consideration of the world. This boundless reverence and love of Rome Cicero expresses somewhat tritely in the first book of the Tusculan Disputations. "Why," says he, "should I feel pain were I to think that some nation would get possession of our city at a date 10,000 years hence? Because so great is the love of the fatherland that we measure it not by what we feel but by the salvation of our fatherland itself."[89] Even if there existed no immortality and death were the culmination of all, still that should in no way diminish our idea of ready sacrifices and constant worries for the res publica.

[88] Rostovtzeff M.: A History of the Ancient World, Rome, Pp.139.

[89] Tusc.Disp.I.XXXVII,90. Quia tanta caritas patriae est, ut eam non sensu nostro, sed salute ipsius metiamur.

The paramount importance of the republic makes Cicero's insistence upon man's universal sociability unimportant. The exalted status of the res Romana results in making universal sociability synonymous with imperium, as the following considerations will show. In the first place, the manner in which Cicero speaks of both shows the deep cutting difference between the republic and the fact of universal sociability. Of the former Cicero speaks in terms of "tueri," "consulere," "gubernare," while in connection with the latter the term "imperium," "regere imperio," and "imperium habere," are used. The republic is a thing to be cared for and guarded as one would one's hearth or the altar of the gods, while universal sociability is something to command by an imperium. The republic implies care, while universal sociability implies power. One holds an imperium over Sicily but one cares for the res publica. That universal sociability or imperium was not looked upon seriously by Cicero is seen most clearly from one of his letters to Atticus. "If," says Cicero, "the military power (imperium) becomes a nuisance I'll just leave Sicily and return to Rome."[90] The imperium is a thing that a good Roman whose life is dedicated to the republic can leave without the slightest compunction. Nowhere does Cicero speak in the same vein of that dearest of all things, the republic. On the contrary, he breaks up his long standing friendship with Pompey because the latter leaves Rome instead of defending it. Again, Cicero in exile never tires of pouring out his soul in a bitter anguish of homesickness for the republic. No amount of power, riches and honor would provide any substitute for it. And though one holds an imperium over Sicily, one comes to Rome to hold one's triumph. The victors and defenders of the allies never felt that their achievements were of any significance until they were consecrated by Rome.

Secondly, in spite of Cicero's proclamation of universal fellowship and regardless of the fact that one man is said to be a sacred thing to another, Rome did not give her dependents and allies a position equal to her own. This is clear from Cicero's unceasing insistence upon the superiority of the Populus Romanus over all nations and peoples. Whether it is in connection with his discussion of the native traits of other people, or in connection with his discussion of the habits and customs of other peoples, or finally in comparing the achievements of all nations, the Populus Romanus is given the supreme place and is considered better in every respect and far superior to all, the Greeks not excluded. The vir Romanus and the Populus Romanus are *the* elect and chosen people.

Why, in the light of this elect status of the Roman people, does Cicero consider it necessary to speak of universal sociability? He felt that somehow

[90] ad Att.VII.7.

an excuse must be offered for Roman aggression. To invade other countries and make wars upon them without an excuse was repellent to Cicero. As will be seen later in more detail, he felt that for every act a legal reason must be given. The legal reason or justification for Roman conquest is man's universal sociability on the one hand and the insistence upon the superiority of the Populus Romanus on the other. From this point of view it is not only right to uplift others, but it is also a duty to bring all nations under the sway of Roman influence. But that universal sociability was only a half-hearted and empty legal phrase is also seen from a consideration of the manner in which the Romans attempted to improve others. The Romanizing process was always a superficial one. It is characteristically expressed in such matters as the change of the name Saul to Paulus. Beyond the endeavor to convince other nations of the importance of the concept of order or status quo, for the sole purpose of glorifying Rome, the Romans did not care to go. They generally did not attempt (as indeed did Antiochus Epiphanes) to destroy the cultures and habits of those who formed a part of the imperium, or to impose upon them their own culture and civilization. Their mission in life was to secure the glory of the res publica, rather than to better mankind. Universal sociability is important only in so far as its furthers and enhances the life of the Roman republic. "For," says Cicero, "when with a rational spirit you have surveyed the whole field, there is no social relation among them all more close, none more dear than that which links each one of us with our republic."[91] To such a minor place does the insistence of Cicero upon universal sociability descend when viewed in the light of his treatment of the Roman res publica. Universal sociability is for Cicero a defence of imperialism rather than a conviction or a philosophic truth.

Sociability, the corollary of the natura as man, when narrowed and strengthened by human proximity, becomes friendship.[92] Friendship, Cicero says, is the outcome or consequence of man's being what he is, a corollary of man's make-up. Posit a man and you posit friendship. Indeed, the central question for Cicero is this: "Is the longing for friendship felt on account of weakness and want or is there a cause more beautiful and emanating more directly from the natura as man?"[93] Cicero answers this question by pointing out that favors or the interchange of goods are obtained even when friendship does not exist. Therefore want or weakness cannot be the cause of friendship, but it must spring directly from man's being what he is.[94] Con-

[91] de Off.I.XVII,57.

[92] Lae.V,20. Quanta autem vis amicitiae sit ex hoc intellegi maxime potest, quod ex infinita societate generis humani, quam conciliavit ipsa natura, ita contracta res est et adducta in angustum, ut omnis caritas aut inter duos aut inter paucos iungeretur.

[93] op. cit.VIII,26. an esset hoc quidem proprium amicitiae, sed antiquior et pulchrior et magis a natura ipsa profecta alia causa.

[94] op. cit.VIII,27. Quapropter a natura mihi videtur potius quam indigentia orta amicitia.

versely, utility springs from friendship.[95] The power of friendship is even greater than that of universal sociability. Even if a person could be found of so savage a nature that he would loathe and shun society, we should still find him looking for one person before whom he could pour out the bitterness of his soul. This is what Cicero means when he says that nature loves nothing solitary.[96] The nature of man also explains why friendship is so powerful. In the first place, we are so constructed as to be generous and liberal without hope of gain or repayment. Secondly, nothing fits our make-up better than friendship or is more adapted to meet situations whether favorable or not.[97] Since, therefore, it is clear that friendship is the best of all goods, sapientia excepta, and since our make-up shows through so many signs that it is impossible for us to live without it, it follows that true friendship is eternal.[98] It is eternal because it is impossible for man to divest himself of those characteristics which are the outcome of his make-up.[99]

Another outcome of man's being what he is, is law. If, says Cicero, we are looking for the basis of law, not of the type of law that serves to protect us in courts or helps us to answer a client, but of universal law,[100] we shall find that this universal law has its basis in man's natura.[101] The proof that law has its basis in man's make-up, if proof it can be called, is Cicero's definition of law as right reason.[102] The identification of law with reason makes it

[95] op. cit.IX,32. Sic et utilitates ex amicitia maximae capientur, et erit eius ortus a natura quam ob imbecillitate gravior et verior.

[96] op. cit.XXIII,88. Sic natura solitarium nihil amat semperque ad aliquod tamquam adminiculum adnititur, quod in amicissimo quoque dulcissimum est. de Fin.III.XX, 65. de Off.I.XLIII,153.

[97] Lae.V,17. nihil est enim tam naturae aptum, tam conveniens ad res vel secundas vel adversas.

[98] op. cit.IX.32. sed quia natura mutari non potest, idcirco verae amicitiae sempiternae sunt.

[99] de Fin.V.XI,33. Nam prius a se poterit quisque discedere quam appetitum earum rerum quae sibi conducant amittere.

[100] de Leg.I.V,17. Non enim id quaerimus hoc sermone, Pomponi, quem ad modum caveamus in iure aut quid de quaque consultatione respondeamus. . .sed nobis ita conplectenda in hac disputatione tota causa est universi iuris ac legum.

[101] op. cit.I.V,17. natura enim iuris explicanda nobis est eaque ab hominibus repetenda natura. idem I.VII,20.X,28.XII,33.XIII,35. de Off.III.XVII,72.

[102] de Leg.I.VI,18. lex est ratio summa insita in natura, quae iubet ea, quae facienda sunt, prohibetque contraria, eadem ratio cum est in hominis mente confirmata et confecta, lex est. idemXII,33 quibus enim ratio natura data est, isdem etiam recta ratio data est, ergo et lex,
By right reason or highest reason Cicero does not mean an Aristotelian νοῦς. Aristotle's concept of νοῦς or intuitive reason is not to be found in the writings of Cicero. Recta ratio is a translation of Aristotle's ὀρθὸς λόγος and this is φρόνησις or prudence. (Aristotle:Nic.Eth.VI.XII). Nowhere does Cicero indicate that the content of recta ratio is distinct from that of prudence. On the contrary, in all his discussions of reason and wisdom it is clear beyond doubt that they are for him identical with prudence. And so in his identification of law with right reason we are compelled to assume that by right reason he means quite literally prudence and nothing besides.

mandatory upon us to consider law as the concomitant of our being, since, as we have seen, the great excellence of the natura of man is that it is mind endowed with reason. This is why Cicero after stating that he is seeking the basis of universal law in the natura as man, suddenly seems to drop the subject proposed in order to show how the gods endowed all men with reason. Cicero was well aware of the fact that after defining law as right reason it was necessary to show not so much that law is a corollary of what we are as to prove conclusively that man is endowed with reason. This point some of the commentators on Cicero's de Legibus have failed to grasp. Laudien, for example, claims that Cicero's treatment of the relationship of the gods and men is perfectly superfluous and does not help the deduction of law from man's being.[103] He fails to see that Cicero tells us of the relationship of the gods and men in order to impress us with the exalted qualities of man's make-up, i.e., with his possession of reason and justice.

How otherwise could Cicero, the lover of Plato, Cicero the poet, impress us with the fact that all men possess reason, than by telling us a myth? Did not Plato, Cicero's "deus philosophorum," whom Cicero reveres above all other philosophers, follow the same path in discussing the origin of justice?[104] Indeed, Cicero carefully draws our attention to the fact that he is a poet when in the opening lines of de Legibus he refers to his "Marius." Cicero is well aware that one can prove the origin of reason and justice only poetically and that is why he starts his inquiry into the origin of law with the treatment of the relationship of the gods and man. Cicero knows, too, the weakness of this proof and implores the sceptics to be silent, "For if they should attack what we think we have constructed and arranged so beautifully, it would play too great havoc with it."[105] A proof of this sort will not stand logical analysis. It is appealing but not convincing. Thus for Cicero law in the universal sense, because of its identity with right reason or prudence, has its basis in the make-up of man or in what man is.

In Cicero's identification of law with right reason or prudence, we find an explanation for his glorification of man and his insistence that everything, the mundus included, was made for him. Law was the force that kept the

[103] Laudien A.: Die Composition und Quelle von Ciceros I Buch der Gesetze Hermes XLVI (1911) Pp.108ff.
Pp.113. Ueberhaupt ist die breite Behandlung der Verwandschaft der Menschen mit den Goettern durchaus unnuetz und auch tatsaechlich nicht benuetzt in der Herleitung des Rechts aus der Natur des Menschen.

[104] Plato: Protagoras.

[105] de Leg.I.XIII,39. perturbatricem autem harum omnium rerum Academiam, hanc ab Arcesila et Carneade recentem, exoremus ut sileat; nam si invaserit in haec, quae satis scite nobis instructa et composita videntur, nimias edet ruinas; quam quidem ego placare cupio, summovere non audeo.

empire intact and thus was vital to the maintenance of the glory of the republic. Law, the essence of which is fixity, helped the Romans in their endeavor to maintain the status quo and secured them against the invasion of novelty, of res novae, which the Romans so deepseatedly feared. For these reasons Cicero is at pains to show the sacredness of law by identifying it with right reason and thus basing it upon the nature of man. If law is a universal characteristic of the make-up of man, the consequence is that to abrogate law is to destroy man. A violation of law is a crime against the very nature of man. The real object of praise is not man, but law. When he extols man as a natura Cicero does not do so because of his real conviction and love of mankind, but because the essence and validity of law require it. Man is deified because he provides the basis of law.

It has been pointed out thus far that the natura of man is both body and mind, and that it is the best of all types of being. It has been made clear that this natura is characterized by universal sociability, capacity for membership in the republic, friendship, reason and law. It now remains to show how this type of being, man, can attain the highest good or live well. Any inquiry into the problem of living well must, according to Cicero, begin with what suits our make-up and is the earliest object of desire for its own sake, that is, with self-preservation.[106] The basis of morality lies in the fact that every animal endeavors, from the day of its birth, to maintain and preserve itself in the best possible condition. It seeks to find those things which will best promote this self-preservation. With the growth of the animal these tendencies, which in the beginning are frail and uncertain, become stronger and more purposeful, until finally the realization dawns upon it that the highest good lies in understanding and following these tendencies, that is, in following its make-up. This is what is meant by secundum naturam vivere,[107] magistra ac duce natura,[108] voce naturae,[109] naturam sequere,[110] e natura vivere,[111] and congruenter et convenienter naturae vivere.[112]

The first prerequisite for a life according to nature is self-knowledge. This self-knowledge, the command of the Pythian Apollo, consists in know-

[106] de Fin.IV.XV,41. Atque ipsa hominis institutio si loqueretur hoc diceret, primos suos quasi coeptus appetendi fuisse ut se conservaret in ea natura in qua ortus esset. idem V.VIII,23. de Off.I.IV,11.

[107] de Fin.IV.VI,14. idem X,26.V.IX,26.XIV,40.

[108] op. cit.I.XXI,71.II.XXXIII,109.V.XV,42.XXIV,69. de Off.I.VII,21. Lae.V,19. Cato M.II,5

[109] de Fin.I.XXI,71.

[110] de Off.I.XXXV,128.III.XI,46. de Fin.III.III,11.

[111] de Fin.III.XX,68.

[112] op. cit.III.VII,26.XVIII,61.IV.VI,14.XI,26. de Off.III.III,13.

ing our make-up and our senses.[113] We must know the powers of our body and our mind.[114] Thus by self-knowledge Cicero understood, as Santayana has aptly expressed it, knowing his mind and thoroughly discerning what he meant and what he loved. For only through self-knowledge, Cicero would say, can one frame maxims excellent for the legislator and fix the grammar or logic of words.

But self-knowledge, with all the benefits that are derived from it, is only possible after an insight into and knowledge of the whole universe.[115] This knowledge consists in knowing that the mundus, in addition to being moral, is primarily a thing of beauty. We must realize that all types of being express themselves only morally and that their purposes are moral. Were Anaxagoras to address Cicero about the composition and make-up of the stars or heavenly bodies, Cicero would have turned his head away in contempt. But had Anaxagoras shown the benefits that can be derived from the stars Cicero would have gladly listened to him. Cicero is not interested in what things are, but how much benefit we can derive from them. Such is the knowledge of the world necessary for self-knowledge.

The knowledge and insight into what we are, Cicero continues, would be lame and defective, were no action to follow.[116] Wisdom and knowledge may be the very best things in our make-up, but we were also born for action.[117] The whole glory of virtue consists in activity.[118] It is not enough, says Cicero, to possess virtue unless you make use of it. While, it is true that an art, even if you never use it, can still remain in your possession by the very fact of your knowledge of it, yet the existence of virtue depends entirely upon its use.[119] Cicero never tires of convincing us of the necessity of activity. Any thought of quietude, or of contemplation that is not concrete doing and acting, is repellent to him. This persistent emphasis upon activity must again be understood in the light of Cicero's love of Rome. Incessant

[113] de Fin.II.V,16. cum efficere non possit ut cuiquam qui ipse sibi notus sit, hoc est qui suam naturam sensumque perspexerit,

[114] op. cit.V.XVI,44. Iubet igitur nos Pythius Apollo noscere nosmet ipsos; cognitio autem haec est una nostri ut vim corporis animique norimus sequamurque eam vitam quae rebus iis perfruatur. Socratic self-knowledge becomes in Cicero's "senilis declamatio" a knowledge exclusively of the mind. Tusc.Disp.I.XXII,52. "nosce te" dicit, hoc dicit: "nosce animum tuum!"

[115] de Fin.V.XVI,44. Intrandum igitur est in rerum naturam et penitus quid ea postulet pervidendum; aliter enim nosmet ipsos nosse non possumus.

[116] de Off.I.XLIII,153. Etenim cognitio contemplatioque naturae manca quodam modo atque inchoata sit, si nulla actio rerum consequatur.

[117] de Fin.V.XV,43. Nam cum ita nati factique simus ut et agendi aliquid et diligendi aliquos. . . idem XX,55,XXI,58. de Off.I.IX,29.XXI.71.XLIV,157.XLV,160.

[118] de Off.I.VI,19. Virtutis enim laus omnis in actione consistit;

[119] de Rep.I.II,2.

labor and exertion is lauded because it is required to maintain the republic.

Thus the good man for Cicero acts according to the known capacities of his body and mind, i.e., he follows his being or natura. That Cicero in using expressions such as secundum naturam and the like means man's nature is clear through his placing the starting point of morality in self-preservation. But this can also be shown first, from Cicero's dislike for abstractions and secondly, by his assertion that whenever he speaks of following nature or of nature as a guide he means human nature or man.

The good man, says Cicero, is he who follows nature as the guide to living well.[120] That the term natura here used refers to man's make-up is clearly seen from the context and purpose Cicero has in mind when he tells us what a good man is. The good man is not one who follows an abstract principle as the highest good. When the Stoics set up the ideal of Wisdom as the summum bonum they defeat their own purpose, for, as Cicero tells us, such an ideal is wholly beyond man's reach.[121] Cicero is not interested in these ideal constructions, but in things as they are found in common everyday life.[122] But not only in connection with the Stoic notion of wisdom does Cicero manifest his contempt for abstractions. Even Plato, with whom Cicero tells us he would rather be mistaken than right with anybody else, is subject to criticism on this score. "Plato's commonwealth," says Cicero, "may perhaps be an excellent one, but it is quite unsuited to the actual lives and habits of man."[123] Thus while Cicero no doubt missed the point in his criticism of Plato's outline of the perfect city, since Plato himself tells us in his Republic that he is not bound to give us a polis suited to the actual needs of men, but rather an outline of a perfect city to serve as a model for future cities, nevertheless Cicero's criticism shows again his aversion to abstractions of any kind. It is clear, then, that when Cicero adjures us to follow nature he means something concrete, something to which he may point his finger and say "this."

But Cicero himself demolishes all possibility of misunderstanding as to the meaning of the phrase. We are told outright that from the fact that every animal endeavors to preserve its existence we must infer that man's ultimate good is a life in accordance with nature, and that this implies a life lived in accordance with human nature developed to its full perfection

[120] Lae.V,19. hos viros bonos, ut habiti sunt, sic etiam appellandos putemus, quia sequantur, quantum homines possunt, naturam optimam bene vivendi ducem. Cato M.II,5.

[121] Lae.V,18. Sit ita sane: sed eam sapientiam interpretantur, quam adhuc mortalis nemo est consecutus. de Fin.IV.XVI,43.XXV,68.

[122] Lae.V,18. Nos autem ea quae sunt in usu vitaque communi, non ea quae finguntur aut optantur, spectare debemus.

[123] de Rep. II.XI,21.

and lacking nothing.[124] We have cited, in addition to Cicero's direct statements, the fact that ethics is based on the self-preservative tendency and the evidence derived from his distaste for abstractions, in order to show that the doctrine of living in accordance with human nature is not a single disconnected and isolated idea which is to be found in the fifth book of de Finibus only, but that other works also point to the same conclusion. Had Cicero never written the fifth book of de Finibus it would nevertheless have been clear from his other works by his dictum to follow nature he means the human natura or man's make-up.

But living according to our make-up does not mean living according to our natura in its early and rudimentary stages. It means rather living according to this make-up after all the tendencies and currents which compose it have been clarified and brought to their highest expression. Only after the whole stream of human tendencies has been synthesized does Cicero tell us to follow our being what we are and thus live well. We must follow our make-up perfected on all sides.[125] For virtue, says Cicero, is nothing but the human natura perfected and developed to its highest.[126] In other words, we must follow the wisdom that is the outcome of our being what we are, we must look up to justice (iustitia), fortitude (fortitudo), and temperance (temperantia) as the outcome of the harmony of the various elements of our being. That Cicero by following nature means nature as synthesized we can also see by reference to the Laelius and Cato Maior, and by an analysis of the expression "naturam optimam bene vivendi ducem sequere."[127] In this phrase we must join optima to natura in order to understand clearly what Cicero means. Indeed, in the same sentence Cicero says: "Those who so act and so live as to give proof of loyalty and uprightness, of fairness and generosity; who are free from all passion, caprice and insolence, and have great strength of character—such men let us consider good, as they were accounted good in life, and also entitled to be called by that term because, in so far as that is possible for man, they follow naturam optimam bene vivendi ducem." Is it not clear that the insistence upon fides, integritas, aequitas and liberalitas, makes it imperative that we join optima to natura and conclude that the good man is he who follows the best of his make-up? Does not the joining of optima with dux make Cicero's contention meaningless? If we attach optima to dux, our guide becomes abstract, and Cicero's insistence that man must follow the concrete is shattered. On the other hand, the phrase optima natura indicates qualitative distinctions within our natura,

[124] de Fin.V.IX,26. Ex quo intellegi debet homini id esse in bonis ultimum, secundum naturam vivere, quod ita interpretemur, vivere ex hominis natura undique perfecta et nihil requirente. XI,33.XV,42.

[125] op. cit.V.IX,26. undique perfecta.

[126] de Leg.I.VIII,25. est autem virtus nihil aliud nisi perfecta et ad summum perducta natura;

[127] Lae.V,19. Cato M.II.5.

upon which Cicero insists when he uses expressions such as natura non depravata,[128] naturae suae non vitiosae,[129] and perfectissima natura.[130] Thus the context in which the expression "optima natura" occurs compels us to conclude that by following nature Cicero meant human nature as synthesized or the best make-up of man.

That Cicero by following nature as the guide to living well means optima natura and that this optima natura is identical with the statesman is clear from two striking passages in the Tusculan Disputations and the Republic. "Can you doubt," says Cicero, "that the model of what our make-up is ought to be taken from some optima natura? What better type of make-up can we find among human beings than the men who regard themselves as born to help and guard and preserve their fellow-men?"[131] "For whence," Cicero proceeds in the other passage, "comes our sense of piety and from whom do we obtain religion? Whence comes the law of nations, or even that law of ours which is called civil? Whence justice, keeping of trusts, fair dealing? Whence decency, self-restraint, avoidance of disgrace, eagerness for praise and moral goodness? Whence comes fortitude amid toils and dangers? I say, from those men who, when these things had been inculcated by a system of training, either confirmed them by custom or else enforced them by statutes."[132] The passages just cited show clearly that the guide for living well, the dux in the passages in the Cato Maior and Laelius, is the best make-up, and that this in turn is identical with the most social being, or that type of being whose only function is to protect and safeguard society, that is, the statesman. That this model of conduct, the optima natura or statesman, is the Roman statesman, is a valid conclusion from the previous consideration of the status of the republic and universal sociability. Because of the secondary function performed by universal brotherhood in Cicero's thinking it is quite clear that the guide to living well will be the man who most contributes to the safety and maintenance of Rome.

Thus the attainment of the highest good lies in following the optima natura, i.e., the statesman. It is the statesman, who in addition to embodying all the rules by which society is maintained, embodies in its entirety the ideal of self-knowledge. Through a self-knowledge which is inextricably bound up with activity he is able more than any philosopher to enforce the rules or regulations by which human society can be effectively maintained. Because of his incessant activities in preserving society he approaches the function of the

[128] de Fin.I.XVI,50.II.XVIII,58.

[129] de Off.I.XXXIII,120. de Fato V. Tusc.Disp.V.XXXII,90.

[130] de Fin.V.XVI,44.

[131] Tusc.Disp.I.XIV,32. num dubitas, quin specimen naturae capi deceat ex optima quaque natura? quae est melior igitur in hominum genere natura, quam eorum qui se natos ad homines juvandos, tutandos, conservandos arbitrantur?

[132] de Rep.I.II,2.

gods. Indeed, the statesman because of his supreme excellence is a mortal god on earth to whom we owe our knowledge of right and wrong, good and evil. The immortal gods administer the mundus, the mortal god, the statesman, administers the republic. The difference between the two is one of degree only. Cicero would have laughed had he known the Aristotelian doctrine that the only way of approaching the functions of the gods is through contemplation. To be godlike, says Cicero, is to act for the good of the res Romana and not to contemplate. The change from Aristotle to Cicero is complete. For Cicero the primary thing is the republic, for Aristotle the primary thing is θεωρία. The most total and continuous happiness for Aristotle lies in contemplation and the polis is second best, while for Cicero the only happy life is in the res populi, the distinct creation of the Roman genius.

DUTIES

The attainment of the highest good which for Cicero consists in following the optima natura or statesman, is not a matter of conscious and deliberate choice. It is rather an obligation, despite Cicero's insistence that moral goodness must be a matter of choice. Although the natura as man is exalted and considered the best of all types of being animate or inanimate, faith in the capacities or potentialities of man is lacking. Man as a type of being may have been born for great things, but the realization of these things must be guided and controlled by a rigid set of precepts and regulations. Without categorical commands, without an implacable thou shalt or thou shalt not, man's following the optima natura, this is to say, man's life for the good of the res Romana, is impossible. In order that man may fulfil the functions for which he was born duties are prescribed. "For no phase of life," says Cicero, "whether public or private, whether in business or in the home, whether one is doing things that concern oneself alone or dealing with another, can be without its moral duty; on the discharge of such duties depends all that is morally right, and on their neglect all that is morally wrong in life."[133] And, because everything that is morally right is an instance either of justice, wisdom, courage or temperance, all the duties are derived from these four heads.

Cicero holds that it is our duty to be wise because wisdom is peculiar to man and distinguishes him from all other animals. For this purpose he devises an organon or method which we must follow in order to be wise. This organon consists in not treating the unknown as known and in not accepting the known too readily. Again, we must devote all time and energy to the consideration of things necessary to the good life, just as it is obligatory not to dabble in things that are too deep and not necessary to living well. These, and no more, are the duties Cicero derives from wisdom. To be wise, that

[133] de Off.I.II,4.

is, to take into consideration everything necessary to the good life, is a moral, indeed a legal, obligation. There is no question of choice involved in the matter. The necessity to be wise is laid upon us.

While wisdom (sapientia) is obviously a translation of the Aristotelian σοφία, the content of the two terms is by no means the same. Sapientia for Cicero is only moral and political. The sphere of its activities is confined to the knowledge and investigation of things necessary to the moral and political life of men. True, here and there we do find allusions to the fact that it lies in the province of wisdom to find the causes of things, their interrelations, and finally to gain an insight into the whole universe. But this insight, as was pointed out before, is a moral insight. The concept of wisdom for Cicero is a moral concept. It is identical with prudence, the Aristotelian φρόνησις. But while for Aristotle prudence is only one of the five ways of arriving at truth, the others being art, science, intuitive reason and wisdom (σοφία), for Cicero every distinction between prudence, science and wisdom is abolished. Science (ἐπιστήμη) according to Aristotle deals with necessary truths or existences that have immutable principles. For Cicero neither the necessary truths nor the science that deals with them exists. Wisdom in the Aristotelian sense is a union of science and intuitive reason (νοῦς). In the writings of Cicero there is nothing to indicate such a content of wisdom. In other words, while for Aristotle there are various types of subject matter and various types of knowledge that deal with these subject matters, for Cicero there is but one subject matter and it is the function of prudence to deal with it. Wisdom in the Aristotelian sense, concerned as it is with the highest type of subject matter, is superior to all other kinds of knowledge. "For the speculative," says Aristotle, "is the highest activity, as the intuitive reason is the highest of our faculties, and the objects with which the intuitive reason is concerned are the highest of things that can be known."[134] For Cicero prudence reigns supreme. It would be absurd, says Aristotle, to suppose that prudence or statesmanship, active as it is in the field of human goods, should be the most excellent science and the mistress of wisdom, unless man were the best thing in the cosmos. But he is not. The First Mover and the bodies of which the heavens are made are the best, and from the fact that σοφία deals with these things it follows that it is the best of all ways of knowing. It would be absurd, Cicero would say, to suppose that a wisdom which deals with things that have no bearing upon the political life of man should be the most excellent science. Man is the best and most excellent of all types of being, and for this reason prudence displaces σοφία as the architectonic science. This fact, that is, the fact that the noblest function of wisdom is the knowledge which makes us useful to the republic is beautifully expressed in the first book of the Republic.

[134] Arist.:Nic.Eth.X.VII.

"Mucius. What, then, Laelius, do you think we ought to acquire, in order to be able to accomplish the result you demand of us?

"Laelius. Those arts which make us useful to the republic; for I consider this the noblest function of wisdom, and the highest duty of virtue as well as the best proof of its possession."[135] Such is the content of Cicero's sapientia.

With the omission of *νοῦς* and *ἐπιστήμη* from the content of sapientia, philosophy becomes a discipline concerned exclusively with morals and ethics. The chief aim of philosophy, says Cicero, is the investigation of the highest good of men. This search, he says, contains all that philosophy is and ought to be. It is true, as was pointed out before, that the attainment of the summum bonum demands an insight into the make-up of the mundus. But this moral insight into the mundus is of secondary import in comparison with the consideration of philosophy as the art of life. Whatever, says Cicero, can cure the mind of grief, whatever can dispel the fear of death, whatever can contribute most to the welfare of the republic, that deserves more credit than any other science. Thales, Anaximenes, Anaxagoras and others may have been called wise because of their investigations into the world, but it is Socrates who really possessed the "inventum deorum," philosophy. He, of all, was the wisest because for him the essence of philosophy began and ended with the prophecy of the Delphic Oracle, i.e., self-knowledge. Philosophy for Cicero does not arise from wonder about the phenomena of the heavens, the moon, the sun and the stars, as Aristotle had it, but in the perplexities of man's earthly existence. Thus philosophy in the true sense of the term must be a science of human affairs only. This view Cicero nowhere expresses more elegantly, nowhere more pointedly and nowhere more sincerely than in the fifth book of the Tusculan Disputations. "O philosophy," says Cicero, "thou guide of life, o thou explorer of virtue and expeller of vice! Without thee what could have become not only of me but of the whole life of man? Thou hast given birth to cities, thou hast called scattered human beings into the bond of social life, thou hast united them first of all in joint habitations, next in wedlock, then in the ties of common literature and speech, thou hast discovered law, thou hast been the teacher of morality and discipline: to thee I fly for refuge, to thee I look for aid, to thee I entrust myself, as once in ample measure, so now wholly and entirely. Moreover one day well spent and in accordance with thy lessons is to be preferred to an eternity of error. Whose help then are we to use rather than thine? thou that hast freely granted us peacefulness of life and destroyed the dread of death."[136] This is a summary of Cicero's view of philosophy. Gone is the First Philosophy of the Stagirite. Gone is the godlike serenity of the philosopher who contemplates. Gone is the intuitive *νοῦς*, and with it *σοφία*. For of all these, Cicero

[135] de Rep.I.XX,33.

[136] Tusc.Disp.V.II,5.

would say in diametrical opposition to Aristotle, none is more useful and none better than prudence as the ars vitae.

Another source from which duties are derived is justice. It was pointed out that man was born for justice and that justice makes sociability possible. As a consequence of this fact it is our duty to be just and to do nothing that would in any way act counter to the social aspect of man's make-up. We are in duty bound to love our fellow man, just as it is an obligation to love the republic. But while it is our duty to promote justice we are also obliged to hinder hindrances. The man who is passive in the face of injustice is as guilty of a crime as the man who openly violates the rules of justice. The duties derived from justice indicate clearly that the emphasis falls upon the social aspect of the concept, the relations between one person and another being virtually excluded from the term. Here again we find that Aristotle differs, since he also considers at some length what he calls distributive justice.

The great importance Cicero attached to justice is seen from his preference for duties that spring from this virtue as against those that spring from wisdom and knowledge. This is so in spite of the fact that wisdom is necessary for that self-knowledge without which life in accordance with our make-up would be impossible. The reason for this preference, says Cicero, lies in the fact that even a wise man so abundantly provided with this world's goods that he might be able to devote all his time in perfect peace to study and contemplation would find it impossible to live in a solitude so complete that he would never see a human being.[137] Because of this absolute inability of man to live alone, the duties that are derived from justice and that tend to maintain and safeguard human society must be preferred to those that have their source in wisdom.[138]

Cicero's preference for duties derived from justice over those that spring from wisdom, in spite of his claim that wisdom is to be preferred to friendship, must be understood in the light of his veneration and love of Rome. If it is the res Romana that claims us first, if it is the res populi that is our strength and the source whence springs all our happiness, and if this is based upon the social side of man's being, whatever makes its existence possible must be preferred to all other things human and divine. Wisdom may be great and the whole earth may call upon it, but it is Rome, the embodiment of the natura of man, that the heavens bless and at which the orbis terrarum shakes and trembles. Nothing matters so long as that very incarnation of justice, the republic, exists. Wisdom or prudence may be indispensible to self-knowledge and reason may be identical with law, the darling of the Roman mind, but it is justice that is the crowning glory, the sovereign mistress and queen of all the virtues.[139]

[137] de Off.I.XLIII,153.

[138] op. cit.I.XLIV,158. Ergo omne officium, quod ad coniunctionem hominum et ad societatem tuendam valet, anteponendum est illi officio, quod cognitione et scientia continetur. XLIII,153.

[139] op. cit.I.VII,20. cuius partes duae, iustitia, in qua virtutis est splendor maximus, III. VI,28, haec (iustitia) enim una virtus omnium est domina et regina virtutis.

But the life and needs of the republic not only have the effect of making justice the paramount virtue. All morality is a morality of the republic. Cicero may say that moral goodness is to be desired and sought for its own sake, but the fact remains that moral goodness consists in adjusting all moral acts to the maintenance and furtherance of the res publica. All morality centers around Rome. This is well illustrated by a passage in the third book of de Officiis. "What more atrocious crime," says Cicero, "can there be than to kill a fellow-man, and especially an intimate friend? But if anyone kills a tyrant he has not laden his soul with guilt, has he? . . . .The Roman people, at all events, are not of that opinion; for of all glorious deeds they hold such a one to be the most noble."[140] Statements like the one cited illustrate clearly the fact that Roman morality is an adjustment to the welfare of the republic. Were moral goodness desired in and for itself, the killing of a human being under any circumstances would be wrong; but moral goodness is a question of expediency of the republic, and therefore tyrannicide is justifiable. The republic demands the killing of a tyrant, and therefore the act of killing is a moral act.

But the fact that for Cicero morality was a question of the welfare of the republic is also seen from the existence of censors to supervise the performance of moral actions (regimen morum). The censors had the power of setting a stigma upon any citizen, regardless of his position, for any conceivable offence for which there was no legal punishment. Among such offences were the neglect of one's property, dissolution of marriage, celibacy, bad training or bad treatment of children, undue severity to slaves and clients, abuse of power in office, impiety, perjury and the like. The censors had the power also of issuing edicts against practices which threatened the simplicity of ancient Roman manners. That the adjustment of morality to the needs of Rome was the policy of the Romans is most clearly seen from Caesar's assumption of the supervision of morals (praefectura morum) after he became the only power in Rome.

The performance of moral acts and the decision between the moral and the expedient must be decided with the res publica as the standard. The object of moral purpose is not, as Aristotle held, forward looking, but for Cicero it is rather backward looking. All morality looks back upon the res populi of past times. While Aristotle held that nothing that is past can be the object of moral purpose, since no one proposes to have sacked Ilium,[141] for Cicero all that is past is the object of moral purpose. The res populi as founded embodies all morality and as the republic is unchangeable so also is its morality.

What has been said of justice and wisdom as the sources of duties must also be said of courage and temperance. Just as it is our duty to promote justice and wisdom, so also is it our duty to be courageous. We are in duty bound to be courageous, for then we will cherish the conviction that only moral goodness deserves to be admired and striven for. Courage will enable us to become indifferent to outward circumstances and to perform things that are not only useful in the highest degree but also arduous and extremely laborious. The same is true of temperance. The main duty derived from temperance is to live in agreement with and conservation of our being. If we follow this rule as a guide "we shall never go astray, but we shall be pursuing that which by its being what it is is clear-sighted and penetrating (wisdom), that which is adapted to promote and strengthen society (justice) and that which is strong and courageous." [142]

From the discussion of Cicero's manner of obtaining the highest good it is obvious that all the characteristics, corollaries and concomitants of man's make-up involve duties. Anything essential to the realization of the good life as a citizen of the republic becomes a duty, something that must be performed and something the non-performance of which constitutes a legal crime. Every act in agreement with our make-up is a duty, and for every moral act a legal reason must be given stating why this act and no other was performed.[143] Indeed, virtue is a duty. Every phase of life is subject to obligations. There is not a jot or tittle in the make-up of man, in his conduct or activities, that is not a matter of duty. From the moment a youth reaches the age of responsibility he is at once made to feel the rigidity of conduct. Cicero writes his three books on duties to his son Marcus who is twenty-one years old because he is convinced that the inculcation of duties should begin at that age. In his early youth the Roman was taught the fixed and backwardlooking character of moral purpose and was shown in detail the rigid and fast lines which he must follow and never swerve a hair's breadth from. He was taught never to aspire to better himself or his fellow-man, but only to fit himself into the scheme of the res Romana by following the rules and obligations. For beyond the glorious republic nothing could be nor be conceived.

Why is it that in the whole of Greek literature from Homer to Aristotle we find nothing comparable to what the Romans called duties (officia)? Why did the Greeks with their love for the polis and their conviction that man's realization and the good life were intrinsically bound up with the polis, not deem it necessary to regulate and legalize human conduct and bind it with a set of obligations and duties? And why was it that the Romans, in spite of their insistence upon the superiority of man as a type of being and in spite of the fact that they exalted man far more than did the Greeks, nevertheless did not deem

[140] op. cit.III.IV,19.
[141] Arist. :Nic.Eth.VI.II.

[142] de Off.I.XXVIII,100.

[143] op. cit.I.XXIX,101. Omnis autem actio vacare debet temeritate et neglegentia nec vero agere quicquam, cuius non possit causam probabilem reddere; haec est enim fere discriptio officii.
de Fin.III.XVII,57. est autem officium quod ita factum est ut eius facti probabilis ratio reddi possit;

the highest good attainable without the imposition of duties? For the terms κατόρθωμα and καθῆκον which Cicero translates by officium[144] did not mean for Greeks what the latter term came to signify to the Roman. κατόρθωμα and καθῆκον did not express, as does officium, acts for which a reason must be given. They rather meant acts performed with foresight. They were opposed to acts performed without the judgment of reason. Cicero speaks of the performance of moral acts in the periphrastic passive voice to denote obligation and categorical necessity. Throughout the three books on duties, Cicero repeatedly speaks in this manner. Thus in speaking of the subjection of appetites to reason Cicero says: Efficiendum autem est, ut appetitus rationi oboediant, we must subject our appetites to reason. Again, in speaking of duties that we owe to those who have wronged us Cicero makes use of the periphrastic passive—officia servanda sunt. The same is true throughout the entire discussion. Duties are spoken of in terms of "must," of "thou shalt," as the periphrastic passive voice indicates. On the other hand when Aristotle speaks of the performance of moral acts he uses the term καλός, to express the fitness of the act. A certain act, Aristotle says, is performed because it is καλός, that is to say fitting. The Greek subjected his appetites to reason because that was a fine and appropriate thing to do. The Roman subjected his appetites to reason because he had to—efficiendum autem est, ut appetitus rationi oboediant. To have told a Greek that it is his duty to be intellectual, that he must give a reason why he is intellectual, would have seemed to him preposterous. Leonidas as he stemmed the tide of the barbarians at Thermopylae would have laughed had someone told him that he was doing this because he had to. Regulus, the Roman, on the other hand, returned to Carthage because it was the duty of every Roman to keep fides. Socrates refused to escape from drinking the hemlock because the refusal was a fitting act and not because it was a duty. Cases could easily be multiplied to show this deep cutting difference between Greek and Roman.

The reason for this basic difference can be found by contrasting the Roman imperium with the Greek polis. Through the extension of the city of Rome into an empire embracing the "orbis terrarum" the Romans came into contact with various cultures and peoples which they admired. They attempted to assimilate these foreign cultures, although they claimed at every step their own superiority to the rest of mankind, the Greeks included. Thus they admired Hannibal and looked with suspicious envy upon the culture that produced such a warrior, although Livy also characterizes him as a man of inhuman cruelty, with no respect for truth or honor, no fear of the gods, no regard for the sanctity of oaths, no sense of religion;[145] they admired the Gauls in the midst

[144] Cicero tells us that there is a distinction between κατόρθωμα and καθῆκον He translates κατόρθωμα by perfectum officium and καθῆκον by commune officium. The former is absolute duty while the latter is mean duty for the performance of which an adequate reason must be given. But Cicero does not carry the distinction through. Both terms are duties for which a reason must be given.

[145] Livy: Roman History XXI.IV.

of their ceaseless endeavors to conquer them. But above all they could not help loving the Greek genius and, though reluctantly, applied themselves with great zeal to the study of its productions. With this admiration of foreign cultures and civilizations the feeling went hand and hand that the forces which had produced the empire were in danger of being lost through contamination by foreign cultures. They felt that the main cause which had produced the empire was the Roman character—that character which is always described in terms like gravitas, constantia, magnitudo animi, probitas and fides. The admiration for foreign cultures on the one hand and the fear that novelty will do away with what was responsible for the glory that was Rome account for this regulated rigidity of conduct and the mass of duties prescribed to control the individual's activities. The decree of the senate in 161 B. C. expelling philosophers from Rome was an attempt to stem the tide of decomposing influence from Greece that threatened to destroy the sternness and implacability of the Roman character. It was an endeavor to retain the consuetudo maiorum as the force responsible for the glory of the res Romana. It was realized that the philosophic discussions of a Panaetius, a Posidonius, did not go hand in hand with the spectator's indifferences to gladiatorial butchery. Had Cicero, the self-confessed gadfly of the republic, realized the mollifying effect of philosophy upon the severe and grave Roman character, and the changes it would bring to pass in the duty bound citizens of Rome, he surely would not have concluded that he deserved well of the urbs and the Populus Romanus when he translated and interpreted Greek philosophy in the Latin tongue. His influence was the reverse of what he had hoped. Instead of hardening and strengthening and binding the citizen to the incessant activities which the vast Roman empire demanded, philosophy drew even the Romans to meditation and tended to destroy the feeling of superiority they were so bent on maintaining.

With the Greeks the case was quite different. Their stubborn insistence on their intellectual superiority over all other peoples was not one of words. It was rather a complete refusal to associate or have any intellectual dealings with non-Greeks. A barbarian was, for the Greek, not one who differed from him with respect to laws or customs. The non-Greek was not called a barbarian because he lived outside of the Greek world. He was called a barbarian because he was non-intellectual. The Greek refused to mingle with or admire those upon whom he looked with a thoroughgoing odium intellectuale. Thus he saw nothing in foreign cultures, and did not think anyone else capable of producing things worth his while or admiration. Because of this he did not feel the need of defending his culture by building a fence of duties around it. The virtue of Athens was the intellect and that virtue implied exclusiveness. The Athenian by virtue of his mind was set apart from the rest of mankind, while the Roman was in need of a network of duties to accomplish the same results.

CONCLUSION

The purpose of this essay has not been the study of the sources from which Cicero took the materials for his philosophy. Nor has it been concerned with the influence exerted on him by other thinkers. While studies like those of Schmekel, Hirzel, and Kuehner that trace Cicero's philosophical ideas to their original sources are important, they do not throw much light upon what the man himself did with these materials. In fact, for the understanding of Cicero's own views, these works must be studied with great caution, since they treat him only as a source-book of post-Aristotelian philosophies and not also as a thinker who himself exhibits certain philosophical attitudes. This study has confined itself to the investigation of Cicero's doctrines of nature and of man as these doctrines are developed by him in his writings. Whatever his sources and to whatever influences he was subject, he gives expression to views of nature and of man that can be discovered within the context set by his philosophical productions. For an understanding of the mind of Cicero himself as he worked with materials acquired from reading and experience, studies like this are of importance.

Through the study of Cicero's own writings it has been established that his conception of nature at large, that is to say the mundus, was controlled by his conception of man as a natura or type of being, and that his conception of man as a type of being was controlled in turn by the mutual obligations arising from the association of men in a society requiring order and administration. He was thus led to slight the more distinctly intellectual characteristics of man in favor of the moral characteristics which belong to him by virtue of his position in the republic, and in the mundus which was modeled upon it. The conception of nature at large as agreeable to man's nature furnishes Cicero with an ultimate though somewhat obscure source of obligation which he supplements with the practical obligations of citizenship.

The results of this study suggest that Cicero's position in the history of philosophy may have been pivotal. Doctrines of nature and man like those discovered in Cicero were to a large extent instrumental in turning philosophy from the intellectual interests emphasized by the Greeks to the moral interests so abundantly emphasized by thinkers subsequent to Cicero. This question is not here elaborated, but it may be noted that while the shift from mind to morals had occurred before Cicero, and while he lived at a time when it was exhibited by others, it remains that he gave an imposing illustration of it himself, backed up by his reading and literary gifts. What is more, he wrote in Latin, the language of the future, and through the great popularity of his writings impressed upon the western world not only a new philosophical vocabulary, but with it also his view of the nature and scope of philosophical discussion. His lack of interest in much of the content of Greek philosophy and his emphasis upon specifically moral problems was reflected in the thought of later figures. The extent of the influence of this tradition which became prominent through Cicero can best be measured in terms of the time required to reëstablish physical science as a study independent of moral criteria.

VITA

Alexander Litman was born March 3, 1899, at Gross-Mosty, Galicia. After passing through the secondary schools of Lemberg, he attended for six years the German-Polish Gymnasium and for two years the Hebrew Gymnasium of that town. From the age of three to the age of fourteen he also attended the Hebrew schools, where he received theological training. In 1922 he entered the University of Minnesota, from which institution he was graduated in 1924. He began graduate work in philosophy at Columbia University in 1926.

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